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Montana Legislative History

Chapter: 388 Session L: 1981

Bill Number: 102 (House) / Senate

Checklist of Bill History

- History and Final Status Sheet ☐
- Introduced Bill ☑
- Fiscal Note ☑
- Third Reading Bill ☐
- Final Version of Bill ☐

House

Committee: Fish and Game

Hearing Date(s):
Jan. 15, 1981
Jan 20, 1981

Committee Report:

Senate

Committee: ~~State~~ Admin.

Hearing Date(s):
March 11, 1981

Committee Report:

Conference Committee n/a

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: Sonia Hamm

Date: 11-8-23

Notes:

3RD READING: 1/27 YEAS: 91; NAYS: 0

TRANSMITTED TO SENATE: 1/27
REFERRED TO COMMITTEE ON AGRICULTURE: 1/28
HEARING: 3/2
REPORT: 3/7, BE CONCURRED IN, AS AMENDED
2ND READING: 3/10, BE CONCURRED IN
3RD READING: 3/12, YEAS: 50

RETURNED TO HOUSE WITH AMENDMENTS: 3/12
2ND READING: 3/18 YEAS: 59; NAYS: 31
3RD READING: 3/20 YEAS: 82; NAYS: 10

TRANSMITTED TO GOVERNOR: 3/25
ACTION: SIGNED, 3/26
CHAPTER 156

HB 101--DOZIER--TO REDUCE THE INCIDENCE OF EMPLOYERS ISSUING BAD CHECKS TO EMPLOYEES BY PROHIBITING DISQUALIFICATION FOR UNEMPLOYMENT BENEFITS....
INTRODUCED AND REFERRED TO COMMITTEE ON LABOR: 1/7
HEARING: 1/13
BILL TABLED IN COMMITTEE

HB 102--MANUEL--TO PROVIDE STATUTORY AUTHORITY TO ESTABLISH A TRUST ACCOUNT FOR THE OPERATION, ETC., OF LANDS OWNED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS.
FISCAL NOTE: REQUIRED
INTRODUCED: 1/7
REFERRED TO COMMITTEE ON FISH AND GAME: 1/7
HEARING: 1/15
REPORT: DO PASS AS AMENDED, 1/20
2ND READING: 1/23 YEAS: 73; NAYS: 19
3RD READING: 1/24 YEAS: 57; NAYS: 18

TRANSMITTED TO SENATE: 1/24
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 1/26
HEARING: 3/11
REPORT: 3/25, BE CONCURRED IN, AS AMENDED
2ND READING: 3/27, BE CONCURRED IN
3RD READING: 3/30, YEAS: 49; NAYS: 0

RETURNED TO HOUSE WITH AMENDMENTS: 3/30
2ND READING: 4/8 YEAS: 92; NAYS: 4
3RD READING: 4/9 YEAS: 92; NAYS: 5

TRANSMITTED TO GOVERNOR: 4/13
ACTION: SIGNED, 4/16
CHAPTER 388

HB 103--MANUEL--TO PERMIT A SPECIAL ARCHERY SEASON IN THE TETON-SPRING CREEK BIRD PRESERVE.
INTRODUCED: 1/7
REFERRED TO COMMITTEE ON FISH AND GAME: 1/7
HEARING: 1/15
REPORT: DO PASS, 1/15
2ND READING: 1/20 YEAS: 97; NAYS: 0
3RD READING: 1/21 YEAS: 92; NAYS: 2

TRANSMITTED TO SENATE: 1/21

HOUSE BILL NO. 102

INTRODUCED BY MANUEL

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

IN THE HOUSE

January 7, 1981	Introduced and referred to Committee on Fish and Game.
January 9, 1981	Fiscal note requested.
January 14, 1981	Fiscal note returned.
January 21, 1981	Committee recommend bill do pass as amended. Report adopted.
	Bill printed and placed on members' desks.
January 23, 1981	Second reading, do pass.
January 24, 1981	Correctly engrossed.
	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 26, 1981	Introduced and referred to Committee on State Administration.
March 25, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 27, 1981	Second reading, concurred in.
March 30, 1981	Third reading, concurred in as amended. Ayes, 49; Noes, 0.

IN THE HOUSE

March 31, 1981	Returned from Senate with amendments.
April 8, 1981	Second reading, amendments concurred in.
April 9, 1981	Third reading, amendments concurred in. Ayes, 92; Noes, 5. Sent to enrolling.
	Reported correctly enrolled.

HOUSE BILL NO. 102

INTRODUCED BY Manuel

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE STATUTORY AUTHORITY TO ESTABLISH A TRUST ACCOUNT FOR THE OPERATION, DEVELOPMENT, AND MAINTENANCE OF LANDS OWNED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AMENDING SECTION 87-1-601, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-1-601, MCA, is amended to read:

"87-1-601. Use of fish and game moneys. (1) All moneys collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, or from damages collected for violations of the fish and game laws of this state, from appropriations, or received by the department from any other state source shall be turned over to the state treasurer and placed by him in the earmarked revenue fund to the credit of the department. Any moneys received from federal sources shall be deposited in the federal and private revenue fund to the credit of the department.

(2) Those moneys shall be exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be made by the department under the terms of this title. Those moneys shall be spent for those purposes by the department, subject to appropriation by the legislature.

(3) Any reference to the fish and game fund in this code means fish and game moneys in the earmarked revenue fund and federal and private revenue fund.

(4) All money collected or received from fines and forfeited bonds relating to violations of state fish and game laws under Title 87 shall be deposited by the state treasurer and credited to the department of fish, wildlife, and parks in an earmarked revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the fish and game laws, the costs of prosecution shall be paid to the county where the trial was held in any case where the fine is not imposed in addition to the costs of prosecution.

(5) Money received by the department from the sale of surplus real property; exploration or development of oil, gas, or mineral deposits from lands acquired by the department; and from leases of interests in department real property not contemplated at the time of acquisition shall be deposited in the trust and legacy fund of the state treasury. This money and the interest derived therefrom may be used only for the purpose of operation, development, and

LC 0759/01

maintenance of real property of the department. If the use of money as set forth herein would result in violation of applicable federal or state statues, then the use of this money must be limited in the manner, method, and amount to those uses that do not result in such violation."

-End-

STATE OF MONTANA

REQUEST NO. 63-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 9, 19 81, there is hereby submitted a Fiscal Note for House Bill 102 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation:

An act to provide statutory authority to establish a trust account for the operation, development and maintenance of lands owned by the Department of Fish, Wildlife & Parks.

Assumptions:

Establishing and managing the trust and legacy account required in the proposed legislation could be absorbed without additional funds. The proposed legislation would not increase or decrease revenue or expenditures for the Department of Fish Wildlife & Parks. It would simply require the deposit of monies from the sale of surplus real property, leases and exploration and development fees into a trust legacy account rather than the hunting and fishing license earmarked revenue account. These monies would then be used only for operation, development, or maintenance of real property.

Fiscal Impact:

Exact future revenues to such a trust and legacy account are unknown. However, the Department of Fish, Wildlife & Parks currently has surplus lands of considerable value which may be sold during the next several years. Timber royalties as well as gas, oil and mineral leasing income may be available. Values of such surplus lands and mineral interests could range from $100,000 to $500,000 over the next several years, depending on the proceeds from the sale of such lands or mineral interests. Interest received would depend on current short-term interest rates available in the money markets.

Local Impact:

By providing a long-term source of funding for the operation, maintenance and development of department lands, the annual payments to counties "in lieu of taxes" on department owned lands would be assured.

Technical or Mechanical Defects or Conflicts with Existing Legislation:

The utilization of moneys from this account must be appropriated by the Legislature Suggest such wording be included in the legislation.

David M Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: _____

Comments

It appears that the amendment will create an earmarked revenue account instead of a trust and legacy account. The amendment will allow the department to remove principle and interest for the purpose specified in the act.

Approved by Comm.
on Fish and Game

HOUSE BILL NO. 102

INTRODUCED BY MANUEL

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE STATUTORY AUTHORITY TO ESTABLISH A TRUST ACCOUNT FOR THE OPERATION, DEVELOPMENT, AND MAINTENANCE OF LANDS OWNED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AMENDING SECTION 87-1-601, MCA."

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(2) Those moneys shall be exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be made by the department under the terms of this title. Those moneys shall be spent for those purposes by the department, subject to appropriation by the legislature.

(3) Any reference to the fish and game fund in this code means fish and game moneys in the earmarked fund and federal and private revenue fund.

(4) All money collected or received from fines and forfeited bonds relating to violations of state fish and game laws under Title 87 shall be deposited by the state treasurer and credited to the department of fish, wildlife, and parks in an earmarked revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the fish and game laws, the costs of prosecution shall be paid to the county where the trial was held in any case where the fine is not imposed in addition to the costs of prosecution.

(5) Money received by the department from the sale of surplus real property; exploration or development of oil, gas, or mineral deposits from lands acquired by the department; and from leases of interests in department real property not contemplated at the time of acquisition shall be deposited in the trust and legacy fund of the state treasury. ~~This money and the~~ THE interest derived therefrom, BUT NOT THE PRINCIPAL, may be used only for the purpose of

operation, development, and maintenance of real property of the department, AND ONLY UPON APPROPRIATION BY THE LEGISLATURE. If the use of money as set forth herein would result in violation of applicable federal or state statues, then the use of this money must be limited in the manner, method, and amount to those uses that do not result in such violation."

-End-

HOUSE BILL NO. 102

INTRODUCED BY MANUEL

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE STATUTORY AUTHORITY TO ESTABLISH A TRUST ACCOUNT FOR THE OPERATION, DEVELOPMENT, AND MAINTENANCE OF LANDS OWNED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AMENDING SECTION 87-1-601, MCA."

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(2) Those moneys shall be exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be made by the department under the terms of this title. Those moneys shall be spent for those purposes by the department, subject to appropriation by the legislature.

(3) Any reference to the fish and game fund in this code means fish and game moneys in the earmarked revenue fund and federal and private revenue fund.

(4) All money collected or received from fines and forfeited bonds relating to violations of state fish and game laws under Title 87 shall be deposited by the state treasurer and credited to the department of fish, wildlife, and parks in an earmarked revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the fish and game laws, the costs of prosecution shall be paid to the county where the trial was held in any case where the fine is not imposed in addition to the costs of prosecution.

(5) Money received by the department from the sale of surplus real property; exploration or development of oil, gas, or mineral deposits from lands acquired by the department; and from leases of interests in department real property not contemplated at the time of acquisition shall be deposited in the trust and legacy fund of the state treasury. ~~This money and the~~ THE interest derived therefrom, BUT NOT THE PRINCIPAL, may be used only for the purpose of

THIRD READING

operations, development, and maintenance of real property of the department, AND ONLY UPON APPROPRIATION BY THE LEGISLATURE. If the use of money as set forth herein would result in violation of applicable federal or state statues, then the use of this money must be limited in the manner, method, and amount to those uses that do not result in such violation."

-End-

HOUSE BILL NO. 102

INTRODUCED BY MANUEL

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE STATUTORY AUTHORITY TO ESTABLISH A TRUST ACCOUNT FOR THE OPERATION, DEVELOPMENT, AND MAINTENANCE OF LANDS OWNED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AMENDING SECTION 87-1-601, MCA."

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(5) Money received by the department from the sale of surplus real property; exploration or development of oil, gas, or mineral deposits from lands acquired by the department EXCEPT ROYALTIES OR OTHER COMPENSATION BASED ON PRODUCTION; and from leases of interests in department real property not contemplated at the time of acquisition shall be deposited in AN ACCOUNT WITHIN the trust and legacy fund of the state treasury. ~~This--money--and-the~~ THE interest

REFERENCE BILL

derived therefrom, BUT NOT THE PRINCIPAL, may be used only for the purpose of operation, development, and maintenance of real property of the department, AND ONLY UPON APPROPRIATION BY THE LEGISLATURE. If the use of money as set forth herein would result in violation of applicable federal LAWS or state ~~statues~~ STATUTES SPECIFICALLY NAMING THE DEPARTMENT OR MONEY RECEIVED BY THE DEPARTMENT, then the use of this money must be limited in the manner, method, and amount to those uses that do not result in such violation."

-End-

March 25, 1981

SENATE STANDING COMMITTEE REPORT
(State Administration)

That House Bill No. 102 be amended as follows:

1. Page 2, line 21
Following: "department" (the first on the line)
Insert: "except royalties or other compensation based on production"

2. Page 2, line 23.
Following: "in"
Insert: "an account within"

3. Page 3, line 4.
Following: "federal"
Insert: "laws"
Following: "state"
Strike: "statues"
Insert: "statutes specifically naming the department or money received by the department"

MINUTES OF THE MEETING OF THE FISH AND GAME COMMITTEE
January 15, 1981

The meeting was called to order at 12:30 p.m. by Chairman Ellison. Roll call was taken and all members were present.

HOUSE BILL 103 (EXHIBIT 1)

The hearing on HB 103 was opened.

Representative Manuel, sponsor of this bill, introduced Greg Curtis who represented the Teton Sportsmens' Association. Mr. Curtis told the committee the Choteau area residents are proposing to have the Teton-Spring Creek Bird Preserve opened for a special archery season for big game only.

Pete Howard, Sheriff of Teton County, gave some facts about the preserve. He said the area is thirty miles in depth (north-south) and three to four miles in breadth (east-west). It is located in the Teton River Valley bottom which is a very brushy area. The area is not conducive to firing arms. With the landowners' and the Department of Fish, Wildlife, and Parks' permission, the special archery season could address the problem of overpopulation of big game in this area. In one year, there was documented proof of thirty-seven vehicular animal kills in this area. One year ago, there was a hearing in Choteau with the landowners who live on the preserve area. Those landowners said they don't want to abandon the preserve but would be supportive of a bow and arrow hunting season. They would not be supportive of firearms being used. He said there is in excess of 300 head of deer in this area and because of the high population of deer, many are killed from traffic on the secondary highway that runs through the preserve.

Woody Wright, attorney for the Department of Fish, Wildlife, and Parks (F, W, & P), gave committee members copies of a prepared statement supporting HB 103 which included a report of the hearing that was held in Choteau (EXHIBIT 2). Mr. Wright read his statement to the committee.

Don Murray, principal of Choteau High School and also President of the Teton County Sportsmens' Association, spoke in support of HB 103. He said the area is just one-half mile from Choteau. A lot of the Choteau kids are bow and arrow hunters and if the preserve was opened to an archery season they could do a lot more hunting because of the closeness of the preserve to Choteau.

Wilbur Rehmann, representing the Montana Wildlife Federation, had received a request from the Teton County Sportsmens'

Association to see if the Montana Wildlife Federation would support this proposal. He told the committee the Federation would endorse and support HB 103.

Craig Swerneman, Teton County Sportsmens' Association, said the action that is being proposed does not affect any other preserve or hunting in any other area.

There were no opponents present at this hearing on HB 103.

Representative Robbins asked when this archery season would be opened. Mr. Howard told him that would be left up to this committee.

Chairman Ellison asked if this bill was passed, would the F, W, & P handle the hunting season on this preserve through the commission. Mr. Flynn, Director of F, W, & P, said yes.

The hearing on HB 103 was closed.

HOUSE BILL 102 (EXHIBIT 3)

The hearing on HB 102 was opened.

Representative Manuel, sponsor of this bill, introduced Mr. Flynn to the committee. Mr. Flynn read a prepared statement from his department to committee members (EXHIBIT 4) and explained the amendments to the committee.

Mr. Rehmann told the committee the Montana Wildlife Federation supports HB 102 because it gives the F, W, & P better land management capabilities and makes them more fiscally responsible.

Bob Gilbert, representing the Montana Wool Growers Association, told the committee his association supports HB 102.

There were no opponents present at this hearing on HB 102.

Mr. Flynn told the committee the department will use only the interest from the trust fund. The interest money would go into an earmarked account that would be appropriated to the F, W, & P by the legislature every two years.

Representative Devlin asked if this money would be used to purchase other land. Mr. Flynn told him "no" and referred him to page 2, line 25 of HB 102.

Mr. Flynn told the committee the F, W, & P has some property in the Fox Lake area. There is gas and oil development in the

middle of the land owned by the F, W, & P. They would like to have this trust fund account so that monies from that activity will go to the Department of F, W, & P.

Representative Bennett said he had a problem with the Board of Investments taking the principal of these types of trust accounts and investing that money out-of-state.

Representative Robbins said there is going to be a bill that will prohibit the Board of Investments from investing out-of-state.

Chairman Ellison asked Mr. Flynn where the money that is earned from the sale of land goes now. Mr. Flynn told him that money goes into the operational budget and would be spent.

Chairman Ellison asked if that money were surplus and the F, W, & P had no place to spend it, would the money be carried over into the next biennium. Mr. Flynn told him he didn't know for sure but it was his impression that if that money was not spent in the same biennium that it was earned, then the money would revert back to the general fund at the end of that biennium.

Representative Phillips told the committee he had read in the LFA (Legislative Fiscal Analyst) report that some of the coal money is earmarked strictly for maintenance of parks. He said there is a lot of money that could not be spent because it is earmarked strictly for maintenance. He asked Mr. Flynn if that could happen with this proposal. Mr. Flynn told him he didn't feel there would be enough interest generated from this trust fund to worry about that.

Representative Devlin asked Mr. Flynn if the interest from this trust fund could be carried over into other bienniums. Mr. Flynn told him it could.

The hearing on HB 102 was closed.

The committee was then called into Executive Session.

HOUSE BILL 123 (EXHIBIT 5)

The subcommittee, appointed by Chairman Ellison to address problems brought up by Jack Williams concerning HB 123, reported their findings to the committee.

Representative Phillips, who acted as chairman of that sub-committee, told the committee after talking with Russ Josephson, committee counsel, and the sponsors of HB 123, they would like

to keep the bill as simple as possible and not put restrictions on the cities and towns. The subcommittee's recommendation for amending HB 123 is as follows:

Title, line 9.
Following: "MCA"
Strike: "."
Insert: ", and providing for an immediate effective date."

Page 1, line 21.
Strike: ":"

Page 1, line 22.
Following: line 21
Strike: "(a)"
Following: "by the"
Strike: remainder of line 22 and line 23 through line 2 on page 2 in their entirety
Insert: "town or city."

There was discussion concerning the $25 fine mentioned on page 1, line 19 of HB 123. It was suggested that the city or town could set a fine. Representative Phillips said if the committee changed that, it might mean the city or town would have to write new ordinances.

Representative Nilson moved the amendments be approved. Representative Phillips seconded the motion. The motion was voted on and PASSED unanimously.

Representative Phillips moved that HB 123 DO PASS AS AMENDED. Representative Roush seconded the motion. The motion PASSED with all members of the committee voting "aye" except Representative McLane who voted "no."

HOUSE BILL 103

Representative Feda moved HB 103 DO PASS. The motion was seconded by Representative Manuel. The motion carried unanimously.

HOUSE BILL 102

Representative Feda moved the amendments to HB 102 (EXHIBIT 6), as set forth by the Department of F, W, & P, DO PASS. Representative Manuel seconded the motion.

Representative Bennett feels the principal and interest should be available to be spent on investments in the State of Montana. The principal is turned over to the Board of Investments who have the policy of investing that money wherever they can obtain the best interest.

Representative Feda made a substitute motion to sit on this bill.

The amendments to HB 102 were discussed by the committee.

Representative Bennett said he still had problems with taking the money from this fund out-of-state and just taking the interest back. Chairman Ellison told the committee the Board of Investments are charged with having to invest money where it will get the best interest.

Representative Feda withdrew his motion. There was more discussion on the amendments.

Representative Manuel then moved the amendments on HB 102 be approved. Representative Feda seconded the motion. A roll call vote was taken. Those voting "no" were: Representatives Ellison, Bennett, Burnett, Devlin and Feda. The rest of the committee voted "aye" except Representative McLane who was excused. The motion carried.

Representative Phillips moved HB 102 DO NOT PASS AS AMENDED. Representative Devlin seconded the motion.

There was more discussion on the bill. Representative Phillips explained why he made that motion. He told the committee he felt locking up the trust fund was not a wise use of that money. He said no one knows what the 1980 dollar will be worth in 1995.

Chairman Ellison told the committee he was going to recess this Executive Session until the next meeting.

The meeting was adjourned at 2:00 p.m.

Orval S Ellison
ORVAL ELLISON, Chairman

vml

HOUSE BILL NO. 103

INTRODUCED BY Manuel

A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT A SPECIAL ARCHERY SEASON IN THE TETON-SPRING CREEK BIRD PRESERVE; AMENDING SECTIONS 87-5-401 AND 87-5-405, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-5-401, MCA, is amended to read:

"87-5-401. Creation of game preserves and general provisions. (1) There are game preserves within the state for the better protection of all the game animals and birds within their limits. Except as otherwise provided in this ~~section~~ part, no person may, within the limits of a game preserve created by the legislature or by the commission, hunt for, trap, capture, kill, or take game animals, fur-bearing animals, or birds of any kind. Within the limits of a preserve, a person may not carry or discharge firearms, create any unusual disturbance tending to frighten or drive away any of the game animals or birds, or chase them with dogs. The commission may declare any preserve open to the trapping of fur-bearing animals during the regular open season.

(2) Permits to capture animals or birds for the purpose of propagation or for scientific purposes, to trap fur-bearing animals, to destroy mountain lions, wolves, foxes, coyotes, wildcats, lynx, or other predatory animals or birds, or to carry firearms may be issued by the director upon the payment of the fee and in accordance with rules established for the preserve by the commission."

Section 2. Section 87-5-405, MCA, is amended to read:

"87-5-405. Teton-Spring Creek bird preserve -- special archery season. (1) For the better protection and propagation of birds, the following described area in Teton County, state of Montana, is hereby set aside and established as a state bird preserve, to be known as the Teton-Spring Creek bird preserve: All of sections 2, 3, 4, 9, 10, 11, 12, 13, 14, and 15 in township 24 north, range 5 west.

(2) The department may open all or part of the Teton-Spring Creek bird preserve for a special archery season in accordance with 87-1-304 and 87-2-708."

-End-

INTRODUCED BILL

HB 103

Exhibit 2
1/15/81

Presented by: F. Woodside Wright, Dept. Attorney
Dept. Fish, Wildlife, & Parks

January 15, 1981

Good afternoon, Mr. Chairman, members of the House Fish & Game Committee. My name is F. Woodside Wright, Department attorney for the Department of Fish, Wildlife, & Parks. I am speaking on behalf of the department on HB 103.

Supporters of this bill ask that the department present to you the outcome of the hearing held in October, 1979, on the proposed abandonment of the Teton-Spring Creek Bird Preserve. As part of my statement today, I am including a report made to the Fish & Game Commission after that hearing.

In the summer of 1979, concerned sportsmen in and around Choteau, Montana asked the Commission to provide bow and arrow hunting in the Teton-Spring Creek Bird Preserve. The only method that could be used under current state law was to abandon the bird preserve and then re-establish a closed area except for bow and arrow hunting. A petition to the department by sportsmen was presented and the hearing set up pursuant to state law to receive input on that abandonment. At the hearing, it was apparent that sportsmen and landowners did not want the area in the bird preserve abandoned where there was a possibility that its original purpose could be lost. Legislation is the only alternative that provides for continuing the preserve and authorizing limited hunting within it. That authorization is provided in HB 103. The department sees the need for some limited hunting within the bird preserve because of increased deer populations. Not only do the deer live inside the preserve, but they forage outside the preserve on private grounds.

Authorizing bow hunting in this preserve would also increase sportsmen hunting opportunity close in to Choteau and provide the department another method of responding to landowner damage complaints within the preserve.

Upon receiving the report and considering the comments from the hearing, the matter was tabled, as the commission could not authorize hunting in the preserve under current state law.

Thank you for the opportunity to testify. If you have any questions, I am available to answer them.

BEFORE THE FISH AND GAME COMMISSION
STATE OF MONTANA

Teton-Spring Creek Bird Preserve Abandonment	))	REPORT ON HEARING

On 10 October 1979, at 7:40 p.m. in the Choteau Public Library, Choteau, Montana, a public hearing was held on the subject of the abandonment of the Teton-Spring Creek Bird Preserve. The presiding officer was F. Woodside Wright; There were in attendance some 31 persons. The presiding officer read the notice as it had appeared in the local paper and gave the general procedure for the conduct of the hearing. Before any testimony or presentation was made, opportunity for questions was given.

At that time Mr. Pete Howard came forward and submitted a letter dated October 5, 1979, to the Teton-Spring Creek Bird Preserve landowners, signed by himself and Don Murray. Copy of this letter is enclosed in the minutes of the hearing. The subject is a discussion of the purpose of seeking modification of the preserve; the rationale for bow hunting on the preserve area; the method of use of the area, particularly contact with the landowners and by landowner permission only; the deer population difficulties; limitation of hunting with firearms; the desire for alteration of preserve status to allow bow hunting only, not complete abandonment; and asking for attendance of landowners at the hearing. Copy of this letter is attached to this report for reference.

There were several other questions regarding the reason and purpose for the hearing --the possibility of just shutting the hearing down immediately as most people were opposed to the concept; and other questions relating to general information regarding this proposed abandonment.

The presiding officer then opened the hearing to the proponents for their comments, statements, evidence, or other information they wished to present. There being none, the presiding officer then asked for comments, statements, or evidence from those in opposition to the proposed abandonment.

Mr. Harold Bouma commented as follows: there have been no problems with deer in the area from 1957 on; that he is adamant against abandonment; that there is no good purpose for the abandonment; that he does not desire it; and that he is against any alteration of the present status of the bird preserve for this piece of land.

Mr. Walt Arensmeyer spoke in opposition for the following reasons: that he is opposed to any change of status of the area; and that there is no opposition to bow hunting on the preserve but opposition to gun hunting and to any arrangement that would permit the Fish and Game Commission to set up gun hunting on the preserve.

Mr. Les Arensmeyer, who owns land but does not live in the area, commented that there was some deer damage last year; that he did not desire to make it difficult for the bow hunters but that he did speak in opposition to the abandonment.

Mr. Pat Saylor leases ground on the preserve; is against the abandonment; speaks in favor of the opportunity for bow hunters to hunt on the preserve; and that there is some damage by deer but not enough to require abandonment as an alternative. He further commented that he felt if the area were abandoned, "no trespassing" signs would go up and that all hunting activity in the area would cease.

Mr. Pete Howard spoke, requesting that the initial petition be returned to the persons who submitted it and that it be withdrawn and the proposal for abandonment not continue any further.

Mrs. Bernice Van Setten spoke, suggesting that the matter go through a legislative process to permit bow hunting on the preserve.

Mr. Nels Thoreson spoke in general comment as being supportive of the bow hunters' request to hunt in the area and also presented the landowners' complaints and the difficulties of removing deer that are causing damage to crops while the current status is retained. He noted that the current statute does not provide for hunting of any type on the preserve, whether it be to mitigate landowner damage by wildlife or not.

The presiding officer than called for a show of hands regarding those who were in support of pursuit of the legislative action alternative, focusing on allowance of bow hunting only on the bird preserve and at this time no change in the designation of the Teton-Spring Creek Bird Preserve. The show of hands gave 16 who supported this action. The presiding officer noted that 15 of the 16 who showed hands as being landowners in or adjacent to the preserve.

Mr. Harold Bouma then submitted petitions in regard to this abandonment. The petitions stated as follows:

> To: The Montana Department of Fish, Wildlife & Parks: We the undersigned residents of Teton County do hereby respectfully petition the department to continue and not terminate the Teton-Spring Creek Bird Preserve. The undersigned who live in the vicinity of the area protest the termination because of probable problems with hunters in the area.

There are six petitions of this type with approximately 121 signatures thereon, all addressed from Choteau, Montana. The petitions were admitted as part of the record of the hearing. Copies are attached hereto.

After receipt of the petition, Mrs. Bernice Van Setten asked how many landowners had called in with damage complaints. Warden Sergeant Jack LaValley of the department stated that four had at this time.

Prior to conclusion, Mr. Pete Howard requested that the presiding officer write to him or someone in the community with publication in the local paper and report on the outcome of the commission action on this hearing. The presiding officer indicated he would do so.

There being no further comments, statements, or submission of evidence by anyone present at the hearing, the hearing was closed.

This report respectfully submitted this 8th day of November, 1979.

F. Woodside Wright
Presiding Officer

FWW/b

HOUSE BILL NO. 102

INTRODUCED BY Marvel

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE STATUTORY AUTHORITY TO ESTABLISH A TRUST ACCOUNT FOR THE OPERATION, DEVELOPMENT, AND MAINTENANCE OF LANDS OWNED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AMENDING SECTION 87-1-601, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-1-601, MCA, is amended to read:

"87-1-601. Use of fish and game moneys. (1) All moneys collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, or from damages collected for violations of the fish and game laws of this state, from appropriations, or received by the department from any other state source shall be turned over to the state treasurer and placed by him in the earmarked revenue fund to the credit of the department. Any moneys received from federal sources shall be deposited in the federal and private revenue fund to the credit of the department.

(2) Those moneys shall be exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be made by the department under the terms of this title. Those moneys shall be spent for those purposes by the department, subject to appropriation by the legislature.

(3) Any reference to the fish and game fund in this code means fish and game moneys in the earmarked revenue fund and federal and private revenue fund.

(4) All money collected or received from fines and forfeited bonds relating to violations of state fish and game laws under Title 87 shall be deposited by the state treasurer and credited to the department of fish, wildlife, and parks in an earmarked revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the fish and game laws, the costs of prosecution shall be paid to the county where the trial was held in any case where the fine is not imposed in addition to the costs of prosecution.

(5) Money received by the department from the sale of surplus real property; exploration or development of oil, gas, or mineral deposits from lands acquired by the department; and from leases of interests in department real property not contemplated at the time of acquisition shall be deposited in the trust and legacy fund of the state treasury. This money and the interest derived therefrom may be used only for the purpose of operation, development, and

INTRODUCED BILL

HB 102

maintenance of real property of the department. If the use of money as set forth herein would result in violation of applicable federal or state statues, then the use of this money must be limited in the manner, method, and amount to those uses that do not result in such violation."

-End-

Exhibit 4
1/15/81

Presented by: Jim Flynn, Director
Dept. Fish, Wildlife, & Parks

January 15, 1981

HB 102 is a bill to provide a management tool to the Department of Fish, Wildlife & Parks which we feel will enhance the department's ability to approach land management decisions in a more fiscally responsible manner.

Department acquisition of lands for game management, fishing access, or recreational purposes occasionally entails purchasing adjacent lands under the same ownership, but lands which may be "surplus" to the department's primary reason for the purchase. Occasional sales of these surplus lands provide the department with unanticipated "windfall" income. Additionally, leasing of department lands for grazing, hay or grain production, timber cutting, oil and gas exploration and development and other, similar activities generates substantial, but unpredictable income.

The past practice of the department has been to utilize this unanticipated income to increase operations' budgets of the various divisions. Fiscally, this practice is unsound in two different respects: (1) it results in expanding the operations' budget requests in ensuing years when such revenues are not available, and (2) it results in the department consuming these funds, and totally dissipating these department assets.

HB 102 would create a trust account which would serve as a depository for the various one-time or short-term sources of income. This trust would add stability to management

financial planning and the interest income from the fund would provide a long-term source of funding for operation, maintenance, and development of department lands. Funds would also be readily available for the approximately $106,000 paid annually to local governments as payments in lieu of taxes, special improvement districts, and fire protection.

The department believes that HB 102 would allow greater fiscal responsibility with respect to land management and planning and would also serve to stabilize operations and development of department-owned public use areas.

The department recognizes that Section 5 of HB 102 requires additional language to clarify the intent of this fund. These corrections should provide that expenditures may come from interest only, and the principle will remain intact. Secondly, an appropriation by the legislature will be a prerequisite to the use of any portion of the interest income derived from the fund. Without the legislative appropriation, the department may not utilize any portion of the trust.

Addition of the necessary corrective language will provide a bill which will give the department an immediate managerial benefit and will give the people of the state a long-term source for recreational benefit.

Proposed Amendment for HB 102

1. On page 2, line 24, following the word "treasury." strike "~~This money and the~~" and insert "THE INTEREST DERIVED THEREFROM, BUT NOT THE PRINCIPAL," ....

2. On page 3, line 1, following "department", strike the period (.) and add ", AND ONLY UPON APPROPRIATION BY THE LEGISLATURE."

HOUSE BILL NO. 123

INTRODUCED BY Bertelsen

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW DISCHARGE OF FIREARMS AT SHOOTING RANGES LOCATED IN TOWNS OR CITIES OR LOCATED IN PRIVATE DWELLINGS UNDER CERTAIN CONDITIONS; AND TO CLARIFY THAT IT IS OTHERWISE LAWFUL TO DISCHARGE A FIREARM IN TOWNS, CITIES, OR PRIVATE DWELLINGS IN CERTAIN INSTANCES; AMENDING SECTION 45-8-343, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-8-343, MCA, is amended to read:

"45-8-343. Firing firearms. Every (1) Except as provided in subsections (2) and (3), every person who willfully shoots or fires off a gun, pistol, or any other firearm within the limits of any town or city or of any private enclosure which contains a dwelling house is punishable by a fine not exceeding $25.

(2) Firearms may be discharged at an indoor or outdoor rifle, pistol, or shotgun shooting range located within the limits of a town or city or in a private dwelling if:

(a) the shooting range is approved by the national rifle association;

(b) the shooting range does not constitute a public nuisance under 45-8-111; and

(c) all other applicable state and local laws are complied with.

(3) Subsection (1) does not apply if the discharge of a firearm is justifiable under Title 45, chapter 3, part 1."

-End-

INTRODUCED BILL
#B 123

Exhibit 6
1/15/81

AMENDMENTS TO HB 102

1. Page 2, line 24.
Following: "treasury."
Strike: "This money and the"
Insert: "The"
Following: "therefrom"
Insert: ", but not the principal,"

2. Page 3, line 1.
Following: "department"
Insert: ", and only upon appropriation by the legislature"

VISITORS' REGISTER

HOUSE Fish and Game COMMITTEE

BILL HB 103 Date 1/15/81

SPONSOR

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOS
Don Murray	Chateau MT	Teton Sportsmen	✓	
Craig Zwerneman	Choteau MT	teton sportsmen Assoc	✓	
Mike Murray	Choteau MT	teton sport Assoc	✓	
Greg Curtis	" "	interested citizen	✓	
John L. "Pete" Howard	CHOTEAU, MONTANA	Teton Co. Sheriff Teton Co. Sportsman	✓	
F. (W.) Wright	Helena, Mont.	MDFWP	✓	
Bill Ashor	MANHATTAN	—		
Wilbur W. Rehmann	Helena mt.	Montana Wildlife Federation	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE Fish and Game COMMITTEE

BILL HB 102 Date 1/15/81

SPONSOR

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOSE
Bill Asher	Manhattan, Mt.	Agri. Preservation Assn.		X
Art Wilson	Billings	Montco	—	—

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

January 20 19 81

MR. SPEAKER:

We, your committee on FISH AND GAME

having had under consideration Bill No. 102

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE STATUTORY AUTHORITY TO ESTABLISH A TRUST ACCOUNT FOR THE OPERATION, DEVELOPMENT, AND MAINTENANCE OF LANDS OWNED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AMENDING SECTION 87-1-601, MCA."

Respectfully report as follows: That HOUSE Bill No. 102 be amended in the introduced copy as follows:

1. Page 2, line 24.
Following: "treasury."
Strike: "This money and the"
Insert: "The"
Following: "therefrom"
Insert: ", but not the principal,"

2. Page 3, line 1
Following: "department"
Insert: ", and only upon appropriation by the legislature"

DO PASS AS AMENDED

Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

January 15 19 81

MR. SPEAKER

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 103

A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT A SPECIAL ARCHERY SEASON IN THE TETON-SPRING CREEK BIRD PRESERVE; AMENDING SECTIONS 87-5-401 AND 87-5-405, MCA."

Respectfully report as follows: That HOUSE Bill No. 103

DO PASS

Chairman.

STATE PUB. CO.
Helena, Mont.

MINUTES OF THE MEETING OF THE FISH AND GAME COMMITTEE
January 20, 1981

The meeting was called to order at 12:30 p.m. by Chairman Ellison. All committee members were present except Representative Feda who was excused.

HOUSE BILL 199 (Copy of bill attached)

Representative Earl Lory, sponsor of HB 199, gave some background information on HB 199. He said this bill redefines the term "construction." He added this bill allows repair and maintenance to state-owned buildings, facilities, or structures without the supervision of an architect.

Chairman Ellison told the committee the reason why this bill was scheduled to be heard in the Fish and Game Committee was because the committee that would have heard the bill was overcrowded with bills and it was felt the Fish and Game Committee could give the bill a fair hearing.

There were four proponents of the bill present. There were no opponents of the bill present.

Phil Hauck, state architect for the Department of Administration, spoke in favor of the bill (EXHIBIT 1).

H. S. Hanson, representing the Montana Technical Council, spoke in favor of the bill (EXHIBIT 2).

Mike Young, attorney for the Department of Administration, drafted HB 199. He said there had been rumor that this bill would somehow affect prevailing wage rates. He told the committee that the rumor was false.

A. D. van Teylingen, representing the Montana University System, supported the bill and read a letter to the committee from the Commissioner of Higher Education (EXHIBIT 3).

There were no opponents present at this hearing.

The hearing on HB 199 was closed.

HOUSE BILL 152 (Copy of bill attached)

There were eight proponents of HB 152 present at this hearing. There were two opponents of HB 152 present at this hearing.

Representative Donaldson, sponsor of HB 152, told the committee

this bill was drafted with the idea of trying to remove the danger posed to people in Montana by rabid skunks and similar animals.

He told the committee a rabid dog will live for only a few days. However, skunks, raccoons, bats, and foxes may be rabid for several months and never show signs of having rabies. He said a person doesn't necessarily have to be bitten by a rabid animal to contract rabies. If the saliva of a rabid animal gets into an open wound it would have the same effect.

Dr. John Anderson, Administrator of the Health Services Division, Department of Health, said one of the concerns of his division is disease control. He went over a few elements of the bill. He said only skunks, foxes, raccoons, and bats have endemic rabies. Those animals do not have to be bitten by another rabid animal. The disease keeps within that particular breed of animal. He said there is the grandfather clause in the bill so that anyone possessing one of those animals for at least six months prior to January 1, 1981, could keep the animal. He added this bill does not prohibit exhibits of the four species mentioned in the bill as long as the animals are caged and kept away from the public.

Dr. Jim Glosser, the state veterinarian for the Deparment of Livestock, said he concurred with Dr. Anderson's testimony. He then read a prepared statement to the committee (EXHIBIT 4).

Judy Gedrose, acting state epidemiologist, spoke in support of HB 152. She read a prepared statement to the committee (EXHIBIT 5).

Robert Van Der Vere, a concerned citizen lobbyist, spoke in support of HB 152.

Dr. Robert Painter, a Helena veterinarian, told the committee he has deodorized many skunks over the years until Dr. Glosser told him he was taking a chance. Dr. Painter said he realized he was and quit deodorizing skunks. He told the committee that he supports the bill despite the fact that people will say this bill takes away their private rights.

David Lackman, lobbyist for the Montana Public Health Association, spoke in favor of HB 152. He read a statement to the committee (EXHIBIT 6).

At this time, Chairman Ellison asked any opponents of the bill to testify.

David Majors, owner of the Burnt Fork Game Farm, told the committee that he agrees with the spirit of the bill but cannot support the bill the way it is written. He asked to have some amendments made in the bill. Those amendments were: In Section 1, Subsection 4, he would like the word "caught" entered between the words wild and animal in the phrase "Wild animal" and anywhere else in the bill where "wild animal" appears. He would also like to see Section 2 (- exception.) amended to say that the offspring of any of the four species be excluded from any prohibition. In Section 3, Subsection 2, he would like the subsection to consider just those animals which are unlawfully in the possession of a person. In Section 4 and some of the succeeding sections, he personally believes the penalty of up to $100 per day is rather excessive (EXHIBIT 7).

Dr. Fredrick Bell, formerly from the Rocky Mountain Lab, said his acquaintance with rabies goes back many years when he was the pathologist for the Minnesota Fish and Game. He said he does not oppose regulation of these species that can produce rabies but supports the amendments offered by Mr. Majors.

Representative Donaldson closed by offering a few questions for the committee to consider. If the word "caught" was put in the bill, as recommended by Mr. Majors, how would one identify a "caught animal"? How can one distinguish between "lawful" and "unlawful"? Representative Donaldson, too, felt the $100 penalty was high and suggested that amount be lowered.

Representative Jacobsen asked Dr. Anderson what the terminology "non-domesticated animal" meant. Dr Anderson told him that phrase is the equivalent to "wild animal".

Representative Roush asked Mr. Majors if he vaccinated his animals before they were sold. Mr. Majors said no, that was up to the buyer. Mr. Majors did not feel it is necessary to vaccinate an animal who was bred from another animal that has been in captivity for three years like his animals have been.

Representative Burnett asked if it would be possible to come up with an amendment to deal with indexing of animals who are bought from a game farm. Dr. Glosser told him that would be possible and is a good idea. Indexing was discussed by the committee.

Representative Ellison gave a letter to committee members that he had received concerning HB 152 (EXHIBIT 8).

Representative Donaldson said HB 152 only identified four

species but he said if more species needed to be added to the list he would like to see it done by rule making rather than legislation.

The hearing on HB 152 was closed.

The committee went into Executive Session.

HOUSE BILL 199

Representative Mueller moved HB 199 DO PASS. Representative Devlin seconded the motion. The motion was voted on and PASSED unanimously.

Representative Roush moved HB 199 be put on the consent calendar.

Representative Burnett opposed that motion. Representative Robbins said there may be some questions asked on this bill and felt there should be time for those questions to be answered.

Representative Roush withdrew his motion.

HOUSE BILL 152

Representative Burnett told the committee he would like to work with Dr. Glosser on an amendment to HB 152 concerning indexing. He made a motion to PASS CONSIDERATION on HB 152. The motion was voted on and PASSED with all committee members voting "aye" except Representative Ryan who voted "no".

HOUSE BILL 102

The hearing on HB 102 was reopened.

Chairman Ellison reminded the committee that at the last meeting, a motion was made by Representative Phillips that HB 102 DO NOT PASS AS AMENDED.

Representative Phillips told the committee he had four concerns with HB 102. Those concerns were:

1. Locking up money in a trust fund.

2. There is no idea of the amount of money being talked about.

3. Shifting monies from another source to a trust and legacy account.

4. It would be a lot easier for the Department of Fish, Wildlife, and Parks to get this money appropriated back to them than it would be if it was general fund money.

Representative Phillips added he is in total support of developing parks.

Representative Manuel told the committee he feels it has been hard to get a fiscal rein on the Department of Fish, Wildlife, and Parks and feels this bill as amended would put control of the funds in the legislature's hands and would put better fiscal responsibility on the Department of Fish, Wildlife, and Parks. He, therefore, made a substitute motion that HB 102 DO PASS AS AMENDED.

Representative Nilson seconded the motion.

Representative Robbins said he was in favor of the bill as amended.

The motion was voted on and a roll call vote was taken. Those voting "no" were Representatives Ellison, Bennett and Phillips. All other committee members present voted "aye." The motion PASSED.

Chairman Ellison told the committee they would have a hearing on HB 323 on Tuesday, January 27, in the Department of Fish, Wildlife, and Parks conference room.

The meeting was adjourned at 2:15 p.m.

Orval S. Ellison
ORVAL ELLISON, Chairman

vml

HOUSE BILL NO. 199

INTRODUCED BY Story

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 18-2-101, MCA, TO CLARIFY THE DEFINITION OF CONSTRUCTION FOR STATE BUILDING PROJECTS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 18-2-101, MCA, is amended to read:

"18-2-101. Definitions of building and construction. In part 1 of this chapter, with the exception of 18-2-104, 18-2-107, 18-2-113, and 18-2-114:

(1) "building" includes:

(a) a building, facility, or structure constructed or purchased wholly or in part with state moneys;

(b) a building, facility, or structure at a state institution;

(c) a building, facility, or structure owned or to be owned by a state agency, including the department of highways;

(2) "building" does not include:

(a) a building, facility, or structure owned or to be owned by a county, city, town, school district, or special improvement district;

LC 0155/01

(b) a facility or structure used as a component part of a highway or water conservation project;

(3) "construction" includes the construction, ~~repair,~~ alteration, and remodeling of a building, and the equipping and furnishing of a building during construction, ~~repair, or~~ alteration, and remodeling, but does not include the repair or maintenance of an existing building."

-End-

HB 199

PRESENTED BY
PHIL HAUCK
STATE ARCHITECT
DEPT. OF ADMIN.
1-20-81

Exhibit 1
1/20/81

FACT SHEET

HOUSE BILL 199

The proposed legislation will delete the terms "repair or maintenance" of an existing building from the definition of "construction" as defined by Section 18-2-010, MCA.

The present statute requires the employment of architects and/or engineers for "repair and maintenance" type projects. Generally, these type of projects do not require A/E services and can be handled by state personnel. However, this bill does not preclude employing architects or engineers should a project warrant these services.

The reasons for this proposal are twofold: a savings to the state in both time and money.

It has been estimated that savings of from $135,000 to $150,000 in design fees would have been realized last ~~year~~ BIENNIUM if this bill had been in effect.

State procedures for employment of architects/engineers are long and cumbersome and combined with procedures for statewide advertising and contract awards through the Board of Examiners who meet only once a month, can delay these projects up to four to five months. In the case of a leaking roof or boiler repair, this is unacceptable.

This is a simple, housekeeping bill designed to simplify procedures for accomplishing maintenance work with the added benefit of saving the state some money.

Exhibit 2
1/20/81

WITNESS STATEMENT

Name H S Hanson Date 1/20/81

Address Helena Support ? ✓

Representing MT Technical Council Oppose ? _____

Which Bill ? HB-199 Amend ? _____

Comments:

1. It will Reduce Some Expenses - it is also Not Required to Have A/E on Repair Projects

Please leave prepared statement with the committee secretary.

Exhibit 3
1/20/81

THE MONTANA UNIVERSITY SYSTEM
33 SOUTH LAST CHANCE GULCH
HELENA, MONTANA 59620
(406) 449-3024

COMMISSIONER OF HIGHER EDUCATION

January 20, 1981

The Honorable Orval Ellison
Chairman
House Committee on Fish and Game
State Capitol
Helena, MT 59620

Subject: House Bill 199

Dear Representative Ellison:

The Montana University System supports House Bill 199 as introduced.

Under present status, the University System must engage the professional services of architects or engineers for a number of projects involving the repair and maintenance of existing buildings. We are of the view, and the State Architect concurs, that these projects oftentimes do not require such professional services. The proposed change in language in Section 18-2-100 MCA as suggested in HB 199 would, in our view, result in a savings of time and money to the state of Montana.

I have discussed HB 199 with the Chairman of the Board of Regents' Capital Construction Committee, Mr. Lewy Evans, a practicing architect in Billings, and he too supports the bill in its present form.

Please be assured that it will continue to be the practice of the Montana University System to engage the services of architects and engineers during the construction, alteration, and remodeling of buildings and during the furnishing and equipping of buildings during such activities.

Further, if in the judgment of the State Architect, a specific repair or maintenance project should involve the professional services of an architect or an engineer we would, in cooperation with the State Architect, secure the appropriate professional services.

Sincerely,

John A. Richardson
Commissioner of Higher Education

JAR:jw
xc: Committee members

HOUSE BILL NO. 152

INTRODUCED BY Hanelson

BY REQUEST OF THE DEPARTMENT
OF HEALTH AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO MINIMIZE TRANSMISSION OF RABIES BY PROHIBITING THE POSSESSION OF BATS, SKUNKS, FOXES, OR RACCOONS AND PROVIDING FOR PROHIBITION OF POSSESSION OF CERTAIN OTHER ANIMAL SPECIES KNOWN TO BE CAPABLE OF TRANSMITTING RABIES TO HUMAN BEINGS; AND PROVIDING AN EXEMPTION FOR SUCH ANIMALS THAT ARE POSSESSED FOR SIX MONTHS PRIOR TO JANUARY 1, 1982."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Definitions. Unless the context requires otherwise, in [this act] the following definitions apply:

(1) "Department of health and environmental sciences" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21.

(2) "Department of livestock" means the department of livestock provided for in Title 2, chapter 15, part 31.

(3) "Person" means an individual, group of individuals, partnership, corporation, firm, or association.

(4) "Wild animal" means a skunk, fox, raccoon, or bat. Other species of normally nondomesticated animals known to be capable of transmitting rabies may be added to this list through the adoption of rules by the department of health and environmental sciences with the approval of the department of livestock.

Section 2. Prohibition of possession of wild animals -- exceptions. No person may possess a wild animal unless he possessed it for at least 6 months prior to January 1, 1982, or it is used in a fur-bearing enterprise, contained in a zoological exhibition in such a manner that it may not come in physical contact with members of the public, or acquired by an educational institution for scientific research.

Section 3. Quarantine -- destruction -- testing. (1) Whenever a person unlawfully possesses a wild animal, the department of health and environmental sciences or the department of livestock may impound the animal and take any other action considered reasonable to protect public health.

(2) If a wild animal, whether unlawfully or lawfully in the possession of a person, has bitten or otherwise exposed a person to the potentiality of contracting rabies, the animal may be impounded by the department of health and environmental sciences, the department of livestock, or a local health officer and either quarantined or destroyed and the animal's brain may be tested for rabies.

(3) Any lawfully possessed wild animal that is quarantined pursuant to subsection (2) and found not to be

INTRODUCED BILL
HB 152

rabid shall be returned to its owner.

Section 4. Payment of expenses. Expenses incurred by the state under [section 3] must be paid by the person from whom possession of the wild animal was taken.

Section 5. Authority to adopt rules. The department of health and environmental sciences, with the approval of the department of livestock, may adopt rules necessary for the implementation and administration of [this act].

Section 6. Civil penalty -- injunction -- recovery of costs. (1) A person who violates any provision of [this act] is subject to a civil penalty not to exceed $100 per day. Each day of violation constitutes a separate violation. The department of health and environmental sciences or, upon request of the department of health and environmental sciences, the county attorney of the county in which the violation occurs may petition the district court to impose the civil penalty.

(2) In addition to any other remedies provided by law, the department of health and environmental sciences or, upon the request of the department of health and environmental sciences, an appropriate county attorney may file an action to enjoin a violation of [this act] or rule adopted pursuant to it.

(3) The department of health and environmental sciences or the county attorney, if either prevails in any

action brought pursuant to (1) or (2) above, is entitled to recover from the other party the costs, expenses, and reasonable attorney's fees incurred.

(4) Money collected as a civil penalty pursuant to [this act] must be deposited in the state general fund whenever the department of health and environmental sciences institutes the action or in the appropriate county fund whenever the county attorney institutes the action.

Section 7. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

-End-

Exhibit 4
1/20/81

Statement Presented Before the House Fish & Game Committee

in Support of House Bill 152

by James W. Glosser, D.V.M.

My name is Jim Glosser. I am State Veterinarian with the Department of Livestock; I also serve as State Public Health Veterinarian in a consultative basis with Dr. Anderson, oth state and local health officials, doctors, veterinarians, and other involved persons on the zoonoses--animal diseases which may be transmissible to man. I concur with the testimony offered by Mrs. Gedrose concerning the rationale and need for the passage of House Bill 152. In addition, I offer the following reasons for its adoption.

As previously stated, 39 states have laws regulating the control and sale of pet animals and wildlife. Much of the support for this type of legislation stems from the following national organizations: (1) Center For Disease Control, U.S. Public Health Service, Atlanta, Georgia; (2) National Academy of Sciences; (3) The Association of State and Territorial Epidemiologists; (4) The Association of State and Territorial Public Health Veterinarians; (5) The U.S. Animal Health Association; (6) The American Veterinary Medical Association (AVMA).

The American Veterinary Medical Association in a special council report entitled "Inadvisability Of Descenting Skunks" was published in 1972. The report summarized its recommendations as follows: "In view of the growing threat skunks pose to public health, veterinarians should assume the responsibility for giving advice and direction; (1) Veterinarians should refrain from performing descenting operations; (2) when asked to descent skunks, or to treat them as patients, or to provide advice or medical care, veterinarians should apprise owners of the dangers of maintaining skunks as pets; (3)

Veterinarians through their local and state associations should initiate action to prohibit skunks as pets."

In 1973, the General Assembly of the AVMA adopted a resolution opposing the keeping of wild animals as pets. The major problems relating to veterinary medicine are: (1) lack of proper care by owners of these species in providing adequate diet, exercise, kennel space, etc; (2) once the owner tires of the pet, finding a proper home for the animal becomes a problem and in many cases the animal is abandoned; (3) but of utmost importance is that none of the currently licensed veterinary rabies vaccines are authorized or licensed for use in wild life. The safety and more important, the efficacy data for the use of these products in wild life are not available. The problem compounds itself with the unauthorized use of rabies vaccines by: (a) one type, the modified live products can and have induced rabies in wild animals. There are numerous reports of such events occurring in skunks; recently vaccine induced rabies in a fox in California was reported and in July of 1978 a raccoon in Utah also occurred; (b) the inactivated product can prolong the incubation period of rabies into months particularly in skunks. Therefore, when a health official or doctor is confronted with a patient in which a bite exposure resulted from a wild animal which had been vaccinated with rabies; it is truly a dilemma to know whether the animal may be rabid either from the vaccine strain virus or the field strain virus.

The epidemiology of human exposures to rabid animals maintained as pets usually results in several to many human patients being treated. This is in contrast to human exposures with rabid feral dogs or wild animals where usually only one person is exposed & treated.

For example, a rabid pet dog exposed 20 children in an Illinois school yard in 1980, all 20 students received postexposure rabies prophylaxis. In 1969, another rabid pet dog exposed 139 school children at a school in El Paso, Texas. These were also treated. The problem in wild animals maintained as pets is no different. An increasing number of cases of rabies in wild pets, especially skunks, are being reported to CDC. In 1977, Oklahoma reported that 3 pet skunks from different areas of the state were found to be rabid in a 5-week period; 50 persons were exposed to the infected animals. 29 persons were exposed to another rabid pet skunk in Oklahoma in June 1978. Montana reported that in late summer 1977 a rabid pet skunk exposed 10 persons. An incident in Indiana during July 1978 in which 26 persons were exposed to a rabid pet skunk and another similar incident in which 23 persons in Arizona were exposed in August 1978 illustrate the problem of keeping wild animals as pets. The latest episodes were in 1980, where a pet raccoon exposed at least 5 people which cost the State of South Carolina approximately $10,000 in biologics and administration of the vaccine. In Oregon, 2 pet skunks from the same litter became rabid exposing 4 persons in one episode and 1 person in the other case.

All of this information and much more have been disseminated by various governmental agencies, groups, and associations to the public, yet the public information programs have not been successful in preventing undue hazards to the public. Specifically, the active public information program that has been carried out in North Dakota has had the same general experience. Dr. Anderson's and my experience confirms this statement.

In summary, the maintenance of wild animals is truly the physicians and veterinarians dilemma in dealing with their clients. I thank you for the opportunity of presenting the information before this committee.

Dated: January 20, 1981

Exhibit 4 (cont)
1/20/81

DEPARTMENT OF HEALTH & HUMAN SERVICES
Public Health Service

Centers for Disease Control
Atlanta, Georgia 30333
(404) 329-3727

January 15, 1981

James W. Glosser, D.V.M.
State Public Health Veterinarian
Montana State Department of Health
Cogswell Building
Helena, Montana 59601

Dear Jim:

This is further to our discussions of the rabies hazards associated with the ownership of pet wild animals such as foxes, skunks, raccoons, etc. As I indicated to you on the telephone, we feel that ownership of such animals should be strongly discouraged and preferably legislated against. There are at least 2 reasons why this is so. First, wild animals are commonly acquired as juveniles when they are cuddly, friendly, and most attractive. As the animals mature, they lose those traits and become unmanageable, intractable, and undesirable pets. Owners then often release the animal in the wild. The animals having been raised in captivity are unable to fend for themselves and probably die of starvation. This is primarily a humanitarian objection. I cannot document it and will not pursue it. Second, there is a well-documented, specific public health risk associated with wild animal ownership; that is, rabies threat. Many wild animals sold as pets are captured from the wild and sometimes are infected with rabies. As you know, an animal can be infected early in life but not develop clinical disease until weeks or months later. When these wild animal pets do develop rabies, it has been our experience, that the number of persons exposed are many times higher than the numbers exposed to the average rabid dog or cat. Presumably this is because of the exotic nature of the animal, it has been seen, handled, and fondled by friends and neighbors, and quite often taken to school where it is exhibited and played with by schoolmates. When such an animal develops rabies, a great many people are usually exposed and must undergo antirabies treatment. In addition to a larger number of people who have usually handled the wild animal pets (as compared with dogs), there is the other complicating factor that we do not know how long a wild animal might shed virus prior to onset of clinical illness. The 10-day maximum for dogs and cats limits the number of exposures that may have occurred; the unknown shedding period for wildlife means that people who handled the animals earlier in the preclinical stage must also be treated.

I am enclosing write-ups of several randomly selected episodes of wild animal pets which developed rabies and resulted in multiple treatments. Others could be cited.

Pet dealers often argue that their skunks or raccoons are raised in captivity and, therefore, not exposed to rabies. We have found this not to be the case. The number of skunks purportedly raised in captivity and never exposed have indeed developed rabies and exposed persons after being marketed through the pet channels. Were it possible to positively identify a pet-raised animal versus a wild-caught animal, there might be some means of restricting pet wildlife to those born and raised in captivity. This is impossible. In dogs and cats, vaccination is an effective preventive measure. As you know there is no vaccine approved for use in wildlife. While it is probable that an effective vaccine could be produced, the biologics industry has not felt the market justifies the expense and therefore no vaccine exists. In addition, even if a vaccine were developed, it would not guarantee prevention of rabies in animals which have been exposed and infected and were incubating the disease prior to vaccination.

I might mention that the U.S. Animal Health Association has passed a resolution at its most recent meeting urging federal legislation to restrict sale and ownership of pet wildlife. I believe that the National Association of State Public Veterinarians and the AVMA have both taken a similar stance. You might wish to contact those organizations about that.

As I mentioned on the phone, we are planning to develop proposed legislation at the federal level to restrict ownership and interstate sale of such animals. If past history is any indication, it will take months or years for this to be approved if it is in fact approved. I would certainly encourage the State of Montana to enact legislation severely restricting or prohibiting the ownership of pet wildlife. There should, of course, be exemptions to permit the importation and keeping of such animals in zoological parks and research institutions. I hope this answers your questions.

Sincerely yours,

Jerry Winkler

William G. Winkler, D.V.M.
Chief, Respiratory & Special
Pathogens Branch
Viral Diseases Division
Bureau of Epidemiology

Enclosures

CDC

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
CENTER FOR DISEASE CONTROL
ATLANTA, GEORGIA 30333

WILLIAM G. WINKLER

Veterinary Public Health Notes

Prepared by the Bureau of Epidemiology, CDC, primarily for persons interested in problems of animal diseases in human health. Some reports are preliminary in nature and should be so identified if quoted. Any reproduction of extracts of articles from the literature should indicate the original published source.

February 1980

VIRAL DISEASES

The Ten Thousand Dollar Raccoon

A rabid raccoon recently cost the State of South Carolina approximately $10,000 by coming in contact with at least 25 people.

Last spring (1979) a Beaufort County family picked up several raccoon kits along the side of the road. Since the raccoons were found close to the roadway, no one knows how they got there or what happened to the mother. She may have been killed by a vehicle or died of any one of a number of diseases, but in all probability she died of rabies infection and passed it on to at least 1 of her kits.

The family kept 1 of the young raccoons and it grew and was playful--a very lovable pet. Some of the litter mates were given to friends in the community and also became lovable pets, but like many young animals they were prone to nip or scratch when sufficiently provoked.

The raccoon kept by the family that found the animals went everywhere with the family and was shared and enjoyed by not only the immediate family, but also by friends and occasionally by chance contacts. For example, 1 day the raccoon was taken to the beach by the family for a picnic and had contact with a number of individuals who could not be identified.

The young raccoon had barely attained adult size when it began to show signs of illness, including sudden aggressiveness that resulted in bites and scratches of family members and ultimately in its submission to the South Carolina Department of Health and Environmental Control laboratories on July 9, 1979, for rabies examination. A diagnosis of rabies in the raccoon set in motion a chain of events that had quite an impact on the community.

Many family members and friends were known to have been exposed to the raccoon, and on consulting their private physicians they were told that anyone who had been bitten or had had infectious saliva introduced into an open wound should receive rabies immune globulin

(Hyperab*) and 23 doses of vaccine. Since Hyperab is given on a weight basis, it became necessary to determine the "size" of the family and friends, and it was indeed a large group. Several people weighed over 200 pounds, and 1 weighed over 300 pounds. The 10 judged to have been potentially exposed had a total body weight of 1,825 pounds and collectively received a total of 69 ml of rabies immune globulin.

Two other persons came forward and said they had been exposed to the rabid raccoon; they received antirabies treatment.

Another raccoon, although not from the same litter, was known to have bitten members of another family. Since the animal had escaped, 6 persons underwent antirabies treatment. They received 138 doses of vaccine and 69 ml of immune globulin.

The total cost to the state of the biologics used in these episodes was $5,538, and a conservative estimate of the cost of administration was $2,070. There was also the cost of $966 for an ambulance kept on standby while patients were undergoing treatment. To the total cost of $8,574 actually documented must be added certain costs that can only be estimated, such as laboratory time and effort, time of the district medical director as well as time of staff members in environmental sanitation, time of the state epidemiologist and his staff, time and effort of involved families, friends, and those receiving the vaccine.

Rabies continues to be a problem in South Carolina. In fiscal year (FY) 1969, no cases were reported. In 1979, 177 cases were reported, 138 of which were in raccoons. In the period July 1-November 30, 1979, a total of 47 cases in raccoons were reported. In FY 1979, 307 raccoons had been examined for rabies, and of these, 138 were positive. The number of specimens submitted for rabies examination doubled last year and is increasing at an even faster rate this year.

Not only is the number of rabies cases increasing, the area of the state involved has expanded as well. Spreading from a small focus along the Savannah River several years ago, rabies in raccoons is found now throughout the state. Raccoon rabies seems to be centered in the Orangeburg County area but has also spread into Edgefield, Calhoun, and Dorchester counties. The appearance of dog and cat cases in Chesterfield, Greenville, Pickens, and Saluda counties strongly suggests that rabies in wild species is more widespread than had been suspected.

Although bat rabies has been recorded in all 48 contiguous states and is widely distributed in South Carolina, bats are not thought to be the source of the widespread cases that are occurring in the state.

Source: Parker RL, McCaleb FC: The ten thousand dollar raccoon. Preventive Medicine Quarterly 1980;3:5-7.

*Use of trade names is for identification only and does not constitute endorsement by the Public Health Service or the U.S. Department of Health, Education, and Welfare.

U.S. DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
CENTER FOR DISEASE CONTROL
ATLANTA, GEORGIA 30333

Veterinary Public Health Notes 01-3

Prepared by the Bureau of Epidemiology, CDC, primarily for persons interested in problems of animal diseases in human health. Some reports are preliminary in nature and should be so identified if quoted. Any reproduction of extracts of articles from the literature should indicate the original published source.

October 1979

VIRAL DISEASES

Rabies in Pet Skunks - Oregon

Two pet skunks among approximately 161 shipped to Oregon from a Minnesota animal dealer in June and July 1979 were recently reported as having laboratory-confirmed rabies by the Oregon Department of Human Resources. The dealer's operation was licensed and inspected by the U.S. Department of Agriculture (USDA), and all distributed skunks were reported as being pen-bred.

The 2 skunks were part of a shipment of 30 received at a North Portland, Oregon, pet store on June 28. The first infected animal was purchased by a Washington State resident on July 21. It had onset of illness on July 28. Four persons were exposed and underwent antirabies prophylaxis.

The second skunk had been purchased from the same pet store on July 24; onset of illness occurred on September 20. After exposure to this animal, 1 person underwent antirabies treatment.

Both animals exhibited irritability and aggressive behavior. Neither skunk had been vaccinated against rabies nor had either been in direct contact with other domestic or wild animals.

The Oregon Department of Human Resources found that skunks from the same dealer had been sent to 3 pet shops in the Portland area and 6 additional locations throughout the state of Oregon. A list of persons who had purchased skunks was obtained from the involved pet shops, and local and state health officials contacted and apprised all identified owners of the risk. Several skunks had been bought by Washington residents, although ownership of pet skunks has been illegal in that state since 1971.

Since the first skunk was reported positive, state laboratories have examined approximately 100 other pet skunks--approximately 75 from the Minnesota animal dealer and the rest from various other sources. None of these have been positive for rabies.

Eight persons who were exposed to skunks that escaped or had died but were not examined for rabies elected to undergo antirabies treatment.

The Oregon State Department of Agriculture has banned temporarily the importation of skunks as pets. On July 1, 1980, a state statute banning the sale, distribution, and keeping of skunks will become effective.

Investigations of the distributor's facilities were undertaken by the USDA and University of Minnesota personnel. Records indicated that approximately 3,000 young skunks had been distributed to 30 states so far this year. Although the skunk-breeding operation was considered satisfactory, approximately 40 recently trapped skunks were noted in a separate area of the operation. These animals were to be introduced into the breeding colonies next year as a fresh "bloodline."

Editorial Note: An increasing number of cases of rabies in wild pets, especially skunks, are being reported to CDC. In 1977, Oklahoma reported that 3 pet skunks from different areas of the state were found to be rabid in a 5-week period; 50 persons were exposed to the infected animals. Twenty-nine persons were exposed to another rabid pet skunk in Oklahoma in June 1978. Montana reported that in late summer 1977 a rabid pet skunk exposed 10 persons. An incident in Indiana during July 1978 in which 26 persons were exposed to a rabid pet skunk and another similar incident in which 23 persons in Arizona were exposed in August 1978 illustrate the problem of keeping wild animals as pets.

CDC strongly urges that wild animals not be kept as pets and encourages states to make it unlawful to retain as pets wild animals such as skunks and raccoons, especially those captured from the wild, because they are potential sources of rabies.

Source: Center for Disease Control: Rabies in Pet Skunks. Morbidity Mortality Weekly Rep 28:481-482, 1979

Vaccine-Induced Rabies in a Pet Skunk

In mid-July 1978 a striped skunk (Mephitis mephitis) less than 4 months of age was found beside a New Jersey highway and was taken home by a local family. The family took the skunk to a veterinarian on August 25 for descenting, and immediately afterwards it was vaccinated with modified live-virus rabies vaccine (1 ml of canine cell line origin high egg passage [HEP], Flury strain).

On September 22, the skunk showed signs of ataxia, which progressed over the next 4 days to a state of total collapse. On September 26, 32 days after rabies vaccination, the skunk was killed and subsequently sent to the Rabies Laboratory, New York State Department of Health, where rabies was diagnosed by the fluorescent antibody test.

After rabies was diagnosed, 5 exposed persons were treated with rabies vaccine and immune globulin.

Mouse inoculation test results pointed to the vaccine as the source of infection because of differing effects on weanling and suckling mice. When tenfold dilutions of a 10% suspension of skunk brain tissue in physiologic saline solution were injected intracerebrally into 10- to 12-g weanling white mice (Nya:NYLAR--5 mice per dilution), rabies virus could not be demonstrated. However, when suckling white mice (Nya:NYLAR) were inoculated by the same protocol, they all contracted rabies. The presence of rabies virus was verified by the fluorescent antibody test at all dilutions to 10^5, and the tests were duplicated at the Center for Disease Control.

The only rabies virus known to have a biologic marker is the HEP-Flury strain. It has been shown that intracerebral inoculation of a 20% suspension of rabies-infected chicken embryo, representing the 182nd and subsequent egg passages, failed to kill 28- to 35-day-old mice but did kill suckling mice. The investigators stated, therefore, that their results indicated the skunk had been infected by a HEP virus strain. The authors emphasized 2 points in connection with this incident.

1. No vaccine is licensed for use in wild animals.
2. It is not advisable to vaccinate any animal with live-virus rabies vaccine while the animal is under stress of trauma or surgery or undergoing corticosteroid therapy.

Source: Debbie JG: Vaccine-induced rabies in a pet skunk. J Am Vet Med Assoc 175:376-377, 1979

Bracken Fern--a Natural Carcinogen for Cattle in Scotland

Dr. Robert W. Miller, Chief of the Clinical Epidemiology, National Cancer Institute, has called to our attention a recent article in Nature (July 20, 1978) on the exposure of beef cattle in Scotland to a natural carcinogen, the bracken fern.

The fern apparently interacts with a papilloma-producing virus to cause a spectrum of alimentary-tract neoplasia, affecting sites from the tongue to the large bowel. Of 80 cattle with squamous carcinomas, 96% had warts of the upper alimentary tract, 30% had urinary bladder tumors, and 56% had neoplasia of the large bowel.

Other cattle in Britain exposed to bracken fern but not to virus have not shown an excess of tumors. In the 1960s bracken fern was related to an epidemic of bladder cancer in cattle in Turkey.

The Scottish researchers believe that bracken fern is a co-carcinogen that interacts with virus particles that are morphologically indistinguishable from bovine cutaneous papilloma virus. Although humans eat bracken fern, especially in Japan, no excess cancer has been linked to this food.

No mention was made of the incidence of tumors in dairy cattle or of the significance for infants and children who consume large amounts of milk.

Source: Childhood Cancer Etiology Newsletter No. 52, September 15, 1978

Rabies in Pet Skunk in Arizona has Implications for Colorado

Persons who bring skunks into Colorado are in violation of the Colorado pet-shop and boarding-kennel statute, which prohibits keeping skunks as pets because of their susceptibility to rabies.

On September 8, 1978, a man en route to Hamilton, Illinois, stopped in Phoenix, Arizona, and purchased a skunk from a pet shop. Three days later he was intercepted at Colorado Springs, Colorado, and advised that at least 1 skunk from the same pet shop had been found rabid. Because the man had been bitten by his new pet skunk, it was killed and tested for rabies. Fortunately for him, the Colorado Department of Health laboratory found the skunk negative for rabies.

This was 1 of approximately 50 skunks from the same group that the Arizona State Department of Health Services traced to determine if they also might be rabid.

Source: Colorado Department of Health

Editorial Note: We reemphasize our recommendation (VPH Notes, September 1978) that wild animals not be kept as pets.

FLA. Health Dept Newsletter Oct 19

RACCOON RABIES

It has long been known that wild animals are a hazard to the health of the public when removed from their natural environment. Children as well as adults are drawn to handle and to nurture cuddly litte wild animals as pets, such as, baby raccoons and skunks since such animals are friendly and amenable to human handling. However, baby wild animals can and do carry diseases which are transmissible to man. Adult animals in the wild usually avoid humans and if they appear friendly and unafraid, they may very likely be ill.

Recently, in Florida, two incidents involving rabid raccoons (April and December 1980) resulted in 227 persons being considered by their physicians as sufficiently exposed to the rabies virus to need preventive immunization (74 persons in April and 153 in December). In both instances, a single young raccoon which was gentle, playful, and cuddly was adopted; each later became aggressive and finally died—one 34 days following adoption and the other, 221 days later. Likewise, in each instance, children played with, kissed and cuddled, and were scratched by the two animals. In the April incident, 1,883 doses of Duck Embryo Vaccine (DEV) and 74 doses of Human Rabies Immune Globulin (HRIG) were administered to the exposed persons. In the December episode, 153 doses of HRIG were administered and it is anticipated that 765 doses of the newer Human Diploid Cell Vaccine (HDCV) will be given. The HDCV produces fewer side effects in contrast to the DEV; however, some reactions do occur and, in addition, any medical condition that develops after the immunization may be interpreted by some as a vaccine reaction.

Reliable estimates by the HRS Epidemiology/Communicable Disease Program place the monetary cost to the State of Florida at more than $89,000 for biologics and syringes alone for these two incidents. This figure does not include the cost of the time of physicians, nurses, epidemiologists, and other county health unit staff members nor can we measure anxiety and anguish experienced by affected children and family members as well as the communities-at-large.

PDHEC suggests strongly that wild animals not be adopted as pets—for the benefit of the animals themselves as well as for the possible human health hazard they present. Chances are, when such young wild animals are no longer cuddly, they will be released. At that time, the ultimate cruelty to the animal occurs because it can no longer exist in the wild and will die soon. Schools, pet fairs, etc. are areas in which known-origin domesticated animals can be exhibited; however, wild "pet" animals are most inappropriate in such environments. PDHEC feels that legislation should be initiated to prohibit the sale or trade of raccoons and we urge readers to express their opinions to us and to other appropriate individuals.

HUMAN RABIES POST-EXPOSURE PROPHYLAXIS

Beginning in July of this year, 13 county health units (CHUs) previously designated by HRS as "repository counties" for human rabies immune globulin (HRIG) (and presently human diploid cell vaccine [HDCV]) were requested to maintain a human rabies post-exposure prophylaxis epidemiologic log. The following is an analysis of the data for the first quarter (July-September 1980).

During this time period, 88 persons were reported as having received rabies post-exposure prophylaxis. Sixty-one (69.3%) were males and 27 (30.7%) were females. The mean age was 25.6 years (range: 2 to 71 years). The median number of days from date of exposure to the first day of treatment was 3 with a range of ≤1-22 days. Of those receiving treatment, 2 (2.3%) were reported as having had a reaction. One reaction was described as a "fainting seizure with right-hand numbness"; the other reaction was not described. Of the remaining 86 persons who received such treatment, 49 (55.7%) reported no reaction and no information relative to adverse reaction was reported for 37 (42.3%) recipients.

The animals reported as the source of exposure included: dogs, 37 (42.5%); raccoons, 22 (22.3%); cats, 13 (14.9%); bats, 6 (7.0%); skunks, 5 (5.7%), and others, 4 (4.6%). The "other" category consists of one each of fox, otter, oppossum, and ferret. Of the exposing animals, 74 (84.1%) were not examined for rabies by a laboratory; 14 (15.9%) were examined with 5 (35.7%) being positive by the fluorescent rabies antibody (FRA) test (3 raccoons, 1 fox, and 1 bat) and 9 (64.3%) being negative. Nine persons were reported as having been exposed to the animals which were determined to be negative; six of these continued their treatment to completion while three discontinued it after the negative finding was established. The nature of exposure was: bites, 75 (85.2%); non-bites (scratches, abrasions, etc.), 10 (11.4%), and unknown, 3 (3.4%).

During this period, HRS Laboratory Services examined 1,116 specimens for rabies and identified 26 positives. Since only five positive animal exposures were reported, apparently 21 of the 26 positive animals identified did not involve a human exposure or treatment was not reported.

Editorial Note: A negative result of an FRA on brain tissue can be interpreted confidently as demonstrating that the examined animal was not infected with rabies virus and, thus, the need for prophylactic immunization is eliminated. Unless there were very extenuating circumstances, the fact that six persons were continued on prophylaxis after it was known that the brain specimen was negative is disturbing since they were most likely receiving unnecessary medical treatment.

MEASLES ENCEPHALITIS DEATH

On July 4, 1980, a 33-year old California woman died of apparent viral encephalitis (MMWR 1980; 29:567). A review of the case showed the cause of death almost certainly to be measles encephalitis. Overall, the risk of this complication of measles is approximately 1/1000 cases; however, the risk increases greatly for adolescents and adults. Nearly 14% of all persons reported to have measles encephalitis will die from this complication.

So far this year, 61 cases of measles have been reported in Florida in the 15-19 year-old age group. An additional 59 cases have been reported in persons 20 years of age or older, with 3 of these cases being in persons over 60 years of age.

Most people still consider measles to be only a childhood disease. However, changes in the epidemiology of measles over the last several years clearly indicate it to be a disease of all ages. Therefore, no matter what the age of the patient, measles should be a prime suspect in any occurrence of a febrile rash illness.

HOLIDAY GREETINGS FROM THE PDHEC/EPIDEMIOLOGY/COMMUNICABLE DISEASE PROGRAM STAFF

And, while we are expressing holiday greetings, we would be amiss if we did not acknowledge the splendid services rendered each month by members of our Editorial Board, namely, Carolyn Hall, Tom Lacher, Tom Jarvis, and Frank Youngblood. The articles submitted by the V.D., T.B., and immunization programs have been helpful in our efforts to cover the entire spectrum of communicable disease activities. Additionally, the layout and graphic services provided by the HRS Public Information Office have added substantially to the quality and general appearance of EPI-GRAM. The printing, addressographing, and mailing services furnished by Earl Holley and staff of Central General Services, Jacksonville, make rapid delivery possible to each of you. And none of this would be possible without the staff assistance of Editor Al Foster and Typist Susan Blair. My special thanks to each of you. RAG

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11/1/ 1979

REPORT OF THE COMMITTEE ON RABIES

Chairman: W. G. Winkler, Atlanta Ga.

Co-Chairman: L. N. Butler, Phoenix, Ariz.

John Brown, D. C.; Victor Cabasso, Calif.; R. C. Dillman, N. C.; D. A. Espeseth, Md.; Harvey R. Fischman, Md.; Homer S. Forney, Pa.; James R. Glosser, Mont.; J. A. Gourlay, Iowa; John Helwig, Ohio; Fred S. Honsinger, Alaska; Bruce Kaplan, Ky.; Oren Kelsey, Ark.; John Kimsey, Ga.; A. L. Strating, Iowa; R. L. Parker, S. C.

The Rabies Committee met on October 29 with a total of 16 members and guests present.

The Committee reviewed recommendations made at the 1978 meeting and noted the following action during the intervening year:

1. The Compendium of Animal Rabies Vaccines has continued to gain acceptance among states as the basis for rabies vaccination requirements. Progress is being made on acceptance of the standardized vaccination certificate. A definition of "high risk" areas has been promulgated which agrees closely with that proposed by this Committee.
2. The experimental human diploid cell strain vaccine is approaching licensure and is expected to become commercially available early in 1980.
3. No specific improvements in control of bat or cat rabies have been made in the past year.

The Committee then addressed those topics which it felt might call for specific action:

1. The problem of vaccine-induced animal rabies was discussed at length; 25-35 cases have been identified depending on the definition accepted for vaccine-induced cases. Most cases of vaccine-induced rabies have been associated with low egg passage FLURY strain vaccines which have now been withdrawn from the market; however, several cases have been associated with other modified live virus vaccine. The Committee recommended that the U.S.D.A., the Center for Disease Control, and the National Association of State Public Health Veterinarians collaborate to develop improved surveillance and diagnosis of vaccine-induced rabies.
2. The Committee reviewed the problem of accidental exposure of humans to modified live virus animal rabies vaccines. While recognizing the technical difficulties in establishing the risk of rabies following accidental exposure, the Committee felt a concise statement of risk was needed and requested the Center for Disease Control develop such a statement. The Committee also recommended that CDC and Veterinary Biolgics, USDA, jointly review the criteria established for licensure of new biologics to determine if

human safety could be more heavily weighed in vaccine licensure evaluation.

3. Following a presentation on intravitam diagnosis of rabies using fluorescent microscopic examination of corneal impressions and skin biopsies by Mr. Dennis Howard, the committee discussed the desirability of recommending this technique for routine use in rabies diagnostic laboratories; it was decided to defer any recommendations pending additional data to support the sensitivity and practicality of this diagnostic procedure.
4. The Committee reviewed the 1980 Compendium of Animal Rabies Vaccines developed by the National Association of State Public Health Veterinarians and endorsed the document, commending the NASPHV for their work in this area.
5. The Committee reviewed the status of rabies in the United States and expressed concern over the general increase in rabies especially along the U.S.-Mexico border. They discussed possible means to increase awareness of the problem by the public and the veterinary and medical professions but made no specific recommendations.
6. The threat of rabies spread by pet wildlife, especially skunks, foxes, and racoons was discussed. Major James Valey and Dr. Ashley Robinson presented data on the pet skunk industry in Minnesota noting that several thousand skunks are marketed to the pet trade each year from Minnesota and that some of these animals have developed rabies and exposed persons. The difficulty in differentiating between pen-raised animals might be incubating rabies when marketed. Preliminary rabies serologic testing of skunks in one major breeding facility has suggested that both wild caught and pen-raised animals had been exposed to rabies. The Committee felt that the only satisfactory way to control this threat to human health would be to severely restrict sales of such animals through the pet trade. Accordingly, the Committee proposes the following resolution: "Whereas the problem of wild animal pet associated rabies is recognized as an increasing hazard by public health authorities, and "Whereas no feasible means exists for assuring that wild animal pets, especially foxes, skunks, and raccoons, are immune to rabies, then "be it resolved that the Rabies Committee of the U.S. Animal Health Association requests that the USDA and Public Health Service together develop rules to prohibit the interstate traffic in skunks, foxes, and raccoons for sale in the pet trade."

   "Further, the committee urges that the respective states promulgate legislation to prohibit interstate sale and possession of pet skunks, foxes, and raccoons."
7. There being no further business, the committee adjourned.

Respectfully submitted,
W. G. Winkler, Chairman

Exhibit 5
1/20/81

TESTIMONY TO THE FISH & GAME

LEGISLATIVE COMMITTEE OF THE 47th LEGISLATURE

RE: House Bill No. 152 "---prohibiting the possession of bats, foxes, racoons"

TESTIFIER: Judith Gedrose, R.N., Public Health Nurse Consultant
Preventive Health Services Bureau
Montana State Department of
Health and Environmental Sciences

I am a proponent of HB 152. As of December 1979, 39 states have laws relating to the control and sale of pet animals and wildlife. The major reason for this legislation is human rabies prevention and elimination of unnecessary post-exposure vaccination.

The pain and expense of post-exposure rabies vaccination have been often discussed and publicized. For communicable disease control professionals there is an additional concern. Patients receiving post-exposure vaccination can have adverse reactions. No medical treatment regime is completely free of side effects. Post-exposure rabies vaccine has several potentially fatal side-effects. There is also the possibility that a person exposed to rabies will develop the disease even if they receive post-exposure vaccination. We have recently begun supplying a new rabies vaccine to local health departments and physicians who deem it necessary for a person bitten by a rabid or potentially rabid animal. The statistics for adverse reactions are limited because the vaccine has only been in wide-spread use since June 1980. However, reactions at a rate of one per 625 persons treated has warranted further study by the Center for Disease Control.[1]

During 1980, State Health Department personnel were formally requested to evaluate 28 instances of possible rabies exposure of humans. A decision to treat the patient with post-exposure rabies vaccination was made in 13 of these consultations. Although these numbers appear to be small, each such consultation requires a great deal of expertise and resources. In even the most clearcut situations the health care responder can not without a doubt know if his recommendation will prevent a human rabies case. The potential for adverse reactions from treatment is ever present.

A bill such as the one proposed will lessen contact between humans and the most common "wildlife pets" that are likely to have rabies. Therefore, it will lessen the chance of possible human exposure to rabies and/or post-exposure vaccination.

1. Center for Disease Control
"Adverse Reaction to Human Diploid Cell Rabies Vaccine", Morbidity & Mortality Weekly Report, December 19, 1980/ Vol. 29/ No. 50, p. 609

Exhibit 6
1/20/81

House Bill 152 (Donaldson) "An Act to minimize transmission of rabies by prohibit ing the possession of Bats, Skunks, Foxes, or Raccoons and providing for prohibition of possession of certain other animal species known to be capable of transmitting rabies to human beings; and providing an exemption for such animals that are possessed for six months prior to January 1, 1982. "

Hearing (Fish & Game) Tuesday Jan. 20 , 1981 12:30 Room 433

I am David Lackman , lobbyist for the Montana Public Health Association and I am testifying in support of House Bill 152 .

During the fifties I had several visitors from other countries visiting my section of the Rocky Mountain Laboratory in Hamilton who were amazed that we didn't have a rabies problem among wildlife in Western Montana. Especially vivid in my memory are their descriptions of the bad situations in Mexico and the wolves in Iran. Such epidemiological catastrophies we want to prevent in Montana.

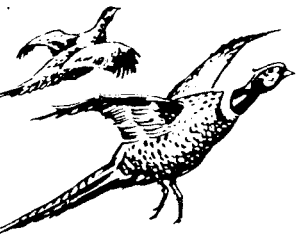
Wildlife , especially the species mentioned in the bill , constitute a major reservoir of the virus. Many bats and skunks in Montana have been found to be infected. They , in turn, infect domestic animals ; and in some cases , man. In Mexico it is a particular hazard to cattle. Wildlife , domesticated as pets, are a special hazard because those infected with rabies virus are easily captured ; and may in fact attack man. My father made the headlines in the early twenties when his horse-drawn mail wagon was attacked by a rabid fox ; and he killed it with a shovel he kept to dig the wagon out of the mud. Then a rabid fox wandered into our yard and my father shot it before we could make a pet of it. There was a major outbreak of rabies among foxes in Conn. then.

Although the vaccine and immune-serum treatment of rabies has been improved, it is not completely effective. A great deal depends on site of the bite, and interval before treatment is started. Prevention is much more effective. The provisions in this bill constitute one means of minimizing spread of the virus to man and domestic animals. Before coming to Montana , my experience included seeing a human case of rabies (at Phila. General Hosp.) during the terminal phase - it is a horrible way to die. Let's do all we can to prevent such an occurrence in Montana. We urge your support of House Bill 152 .

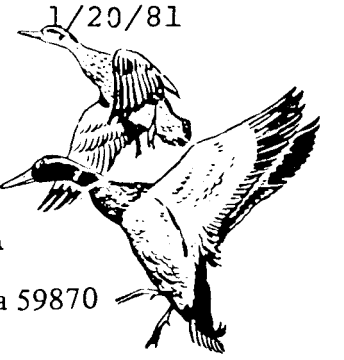
David B. Lackman

David B. Lackman , Lobbyist , Montana Public Health Association Jan. 17, 1981

Exhibit 7
1/20/81



Burnt Fork Game Farm



Phone 777-3642 – 1417 Middle Burnt Fork Road – Stevensville, Montana 59870

January 16, 1981

Rep. Orval Ellison
Chairman, House Fish & Game Committee
State Capitol
Helena, Montana 59601

Dear Mr. Ellison:

I am writing to you concerning HB 152 relating to the 'Prohibiting the Possession of Bats, Skunks, Foxes, or Raccoons'.

I own and operate a game farm east of Stevensville. While I primarily raise pheasants and other birds, I also raise several species of animals including skunks, fox, and raccoon. These birds and animals are viewed by school groups from the Bitterroot Valley and the Missoula area as well. I also sell some of the young (skunks and raccoons) for pets. Quite a number of these animals are used in some of the 'Wild Kingdom' Series films.

I believe that the problem of rabies transmission is directly related to those animals which have been caught directly from the wild, not those raised in captivity.

I feel this bill should only deal with the wild caught animals and exclude the categories as listed in section 2 of the bill as well as their progeny. In addition, any deletions or additions to the four species listed should be only made thru legislative action and not the ARM procedure.

I plan to attend the hearing and I am looking forward to meeting you.

I have contacted Rep. Bob Thoft with some suggestions for possible ammendments to this bill, which I feel I could live with and still help to minimize the transmission of rabies.

Sincerely,

DAVID L. MAJORS

Exhibit 8
1/20/81

January 17, 1981

C. Fredrick Frey
Route 2 Mullan Road
Missoula, Montana 59801

Chairman-Orval Ellison
Montana House Fish and Game Committee
Capitol Station
Helena, Montana

Representative Ellison,

I understand that HB 152 will go before your committee on January 20th for review and recommendation. I understand that this proposal will prohibit or strictly limit the possession of bats, shunks, foxes, raccoons, and other species of animals known to be capable of transmitting rabies to human beings, and is in fact very similar to SB259 of 1979. I was opposed to the passing of that bill, and I must take the same stance on this proposal as written. Please consider the following:

1. Almost all of the problems with rabies arising from these species comes from animals taken from the wild populations.
2. According to a local veterinarian, most animals diagnosed to be carrying the disease have not involved human exposures, and often have been dead animals that tested positive.
3. The proposal is far too restrictive and unfair to those who wish to own or breed these animals, which, although in a small way, has been part of the Montana and American way for many generations. There is little or no evidence that captive populations of these animals have contributed to the problem. By captive populations, I mean those bred and raised in captivity, not captured and raised.
4. Also according to the local veterinarian, even though no vaccines are Federally approved for wild type animals, time has shown that some are functional and are controlling the disease in some of the animals in question.
5. The use of the terms "certain other animal species known to be capable of transmitting rabies" is not specific enough, and allows for various interpretations, and misunderstandings that are not necessary.

I do recognize the seriousness of this disease, but I do not believe that Montana's problem warrants this restrictive action without having tried other solutions. There are individuals in this state that earn part of their income from raising these types of animals, and others who receive a great deal of satisfaction from owning such pets. These people, however, should be expected to take the necessary precautions to protect there captive animals from exposure to rabies through vaccination and limiting their travels. The Department of Health and Environmental Sciences should continue to and intensify there education process on the disease and its transmittal. Further we should look at either enforcing or stiffening our laws on the taking of these species from the wilds, where most of the problem seems to lie, and solicit the support of our local veterinarians not to descent wild taken shunks, and to discourage the keeping of wild caught animals. Maybe we should look at the use of receipts as proof that the animal came from captive stock.

I hope that your committee will reject HB152 as written in favor of attempting to minimize the transmission of rabies by giving due consideration to alternate methods that may prove just as effective, and yet allow the citizens of the state to own the animals in question. If we prove that the disease cannot be controlled withing reason in our captive bred animals, then the matter should be dealt with along those terms.

Sincerely yours,

C. Fredrick Frey

C. Fredrick Frey

WITNESS STATEMENT

Name David B. Lackman Date 1/20/81

Address 1400 Winne Ave, Helena 59601 Support ? X

Representing Montana Public Health Assn. Oppose ? _____

Which Bill ? HB 132 (Donaldson - Skunk Bill) Amend ? _____

Comments: Written Testimony - Copies attached.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name David Majors Date 1/20/80

Address 1417 Middle Burnt Fork Rd, Stevi Support ?

Representing Burnt Fork Gene Farm- Western Montana Agricultural Oppose ? ✓

Which Bill ? HB 152 Amend ? X

Comments:

Please leave prepared statement with the committee secretary.

VISITORS' REGISTER

HOUSE ~~199~~ F&G COMMITTEE

BILL H.B. 199 Date 1-20-81

SPONSOR LORY

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOSE
Bill Hauck	Helena	Dept. of Admin	X	
[illegible]	[illegible]	[illegible]	X	
[illegible]	[illegible]	[illegible]	X	
J S Hanson	Helena	MT Technical Council	X	
[illegible]	[illegible]	[illegible]	X	
[illegible]	[illegible]	[illegible]	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE 74 G COMMITTEE

BILL HB 152 Date 1/20/81

SPONSOR Donaldson

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOS
David B. Lackman	1400 Winne Ave. Hlna.	MT Public Health Assn	X	
Judith Gedrose	Helena	MT State Dept of HOX	X	
John Anderson MD	"	" "	X	
Jim Nugent	"	MT Dept of Livestock	X	
Robert J. Jantz D.V.M.	Helena	Mont Veterinary Med. Assoc.	X	
David L Majors	Stevensville,	Bitterroot Cow Farm		X
Ellie Porter	Helena	MT. DUES	X	
[illegible]	Helena	Self	X	
J D Bell	Hamilton, Mt	Self		X
Gene Donaldson	Helena	Dist 29	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

February 19 19 81

MR. SPEAKER:

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 152

A BILL FOR AN ACT ENTITLED: "AN ACT TO MINIMIZE TRANSMISSION OF RABIES BY PROHIBITING THE POSSESSION OF BATS, SKUNKS, FOXES, OR RACCOONS AND PROVIDING FOR PROHIBITION OF POSSESSION OF CERTAIN OTHER ANIMAL SPECIES KNOWN TO BE CAPABLE OF TRANSMITTING RABIES TO HUMAN BEINGS; AND PROVIDING AN EXEMPTION FOR SUCH ANIMALS THAT ARE POSSESSED FOR SIX MONTHS PRIOR TO JANUARY 1, 1982."

Respectfully report as follows: That HOUSE Bill No. 152

DO PASS

STATEMENT OF INTENT ATTACHED

ORVAL ELLISON, Chairman.

STATE PUB. CO.
Helena, Mont.

February 13 61
19

STATEMENT OF INTENT - HB 152

THE HOUSE COMMITTEE OF FISH AND GAME

A statement of intent is required for this bill because it creates rule-making authority for the Department of Health and Environmental Sciences, with the approval of the Department of Livestock, to administer and implement law controlling rabies through limits on the possession of wild pets. Rule-making is primarily needed to add a species of animal to those presently designated "wild animals" by the act if the chance of rabies occurring in that species increases beyond its present level. Coyotes are an example of a species which may become a rabies threat in the future.

As for other rules, most would clarify terms and phrases used in the bill. Examples of potential rule subject-matter are:

(1) to clarify what will be considered a fur-bearing enterprise (Section 2);

(2) to clarify what controls by zoological exhibitors will be considered to adequately prevent physical contact by the public with wild animals.

ORVAL ELLISON, Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

January 20 19 81

MR. SPEAKER:

We, your committee on FISH AND GAME

having had under consideration Bill No. 199

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 18-2-101, MCA, TO CLARIFY THE DEFINITION OF CONSTRUCTION FOR STATE BUILDING PROJECTS."

Respectfully report as follows: That HOUSE Bill No. 199

DO PASS

Chairman.

STATE PUB. CO.
Helena, Mont.

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 11, 1981

The Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on the above date in room 442 of the State Capitol Building at 10 a.m.

ROLL CALL: All members of the committee were present, excepting Senators Kolstad and Johnson.

CONSIDERATION OF HOUSE BILL 201:

AN ACT DIRECTING THE DEPARTMENT OF REVENUE TO COMPILE AND PUBLISH ANNUALLY INFORMATION OBTAINED FROM THE REALTY TRANSFER ACT AND TO REQUIRE THE DEPARTMENT OF REVENUE TO PROVIDE INFORMATION TO INDIVIDUAL TAXPAYERS CONCERNING THE VALUATION OF PROPERTIES COMPARABLE TO THEIR OWN.

Rep. Robert Sivertsen, sponsor, said this bill provides for the taxpayer to obtain information regarding the valuation of properties comparable to his own. He enclosed the testimony which he had read to the committee.

PROPONENTS: Dennis Burr stated this bill on page two requires the Department of Revenue to provide sales ratio studies and requires that the information be made available to the individual taxpayers. He explained the amendments that the house had made.

OPPONENTS: John Clark, Department of Revenue, stated that the problems that sales find are not complete until June, so the date of April would not be convenient.

Questions: Sen. Towe asked Mr. Clark about the date. He said they are not put into the computer in time; and Sen. Towe pointed out that most tax appeals will take place before June. He asked the same question to Mr. Burr; and he said the information is not in on time because there has been no priority, but it could be done. Sen. Towe asked if it would continue to be published, and the answer was yes.

In closing Rep. Sivertsen said he had introduced this bill because they should help the taxpayer if he feels he has been treated unfairly, saying this is the most economical way to help the taxpayer.

CONSIDERATION OF HOUSE BILL 270:

AN ACT TO REMOVE THE OBLIGATIONS OF THE COUNTIES AND POLITICAL PARTIES TO PAY EXPENSES FOR DELEGATES AND ALTERNATES ATTENDING COUNTY AND STATE CONVENTIONS TO NOMINATE PRESIDENTIAL ELECTORS.

Rep. Walter Sales, sponsor, said this bill removes the obligation for the public to pay the expenses of the alternates and delegates to conventions because he objects to the public financing of the political process.

PROPONENTS: None.

OPPONENTS: None.

Questions: Sen. Ryan asked for the title to be clarified, Sen. Towe indicated a personal interest because he has used the fund, and Sen. Hafferman expressed his view that this is the basis for the political system because many people would not have gone to conventions if they had not been paid for their trips.

The hearing was closed.

CONSIDERATION OF HOUSE BILL 329:

AN ACT TO GENERALLY REVISE THE PROCEDURE FOR OBTAINING AN ECONOMIC IMPACT STATEMENT REQUIRED BY THE ADMINISTRATIVE CODE COMMITTEE AND ITS PUBLICATION BY THE SECRETARY OF STATE.

Rep. Joe Kanduch, sponsor, said this bill provides an economic impact statement and read amendments from SB181.

PROPONENTS: Alan Shumate; George Johnson, ASARCO; Joe Crosswhite, WETA emeritus of Western Environmental Trade Assn.; Gary Langley, National Federation of Independent Business.

OPPONENTS: Mona Jamison, representing the governor, said he is opposed to it because some are legal questions constitutionally related. She referred to subsection 2 of the amendment section on page 2, and said administrative code committee rule making could be halted on certain occasions. It may cause separation of power problems; and it is unlawful for a few members to take action representing the legislature, impeding the executive branch from implementing laws. In subsection 4 it may cause interference with the Judicial and also the executive. Subsection 5, the governor objects to this because the economic impact belongs in the agencies

because they are accountable to the governor and have the expertise. She recommended if there are criteria that the legislature feels should apply to economic statements that they be included in the statutes.

Joy Bruck, LWV, did not oppose without the amendment because it gives legislative authority to a committee and would like to have the section deleted.

Dal Smilie, SRS, stated the unpredictability of when they will be asked for and the gaps that may occur.

Bob Wood, Department of Business Regulations, wants separation of powers, allowing executive agencies to implement laws through our executive agencies. This bill presents difficulties.

Questions: Sen. Towe, in speaking to Rep. Kanduch, said the secretary of state refers to where there are conflicts between deletions and needed material. He asked about page 3 and 4 and page 6, the last two lines. Rep. Kanduch said many amendments were made on the floor. He said they should not have to hold another hearing.

Senator Story said he will suggest to the house that they together make one good bill; possibly Ms. Jamison and others would like to be a part. He said to Ms. Jamison that it is good that the governor is the sole judge of the adequacy impact statement. She disagreed that this would foreclose the position of adequacy.

Senator Towe asked Mr. Smilie his opinion of Kanduch's idea for providing the code committee to agree or disagree, which could be overruled by the governor. Senator Story thinks the Senate Bill 181 is better, and Rep. Kanduch was asked if he had seen it. He answered no. Every code committee does not have rule making power to accept or reject; the governor should be asked to intervene.

Senator Story pointed out during the reorganization process the agencies in which the governor was weak they desired a strong executive. Ms. Jamison said this may bring him greater power than the committee would anticipate. Senator Story said if the governor and some agencies are in disagreement, he is not running it the way they think it should be run. Ms. Jamison said if he is writing impact statements there are problems with rule making and says SB 181 is simpler.

Senator Towe said the administrative code committee would do it because they would have to pay for it.

Senator Ryan asked Rep. Kanduch if this bill directs the governo to do this.

Chairman Story announced that members of both his and Kanduch's committees, drafters, and interested parties will meet to make a new bill that will please everyone.

ACTION ON HOUSE BILL 201: Senator Towe moved DO PASS; motion carried with unanimous vote; Senator Towe will carry.

CONSIDERATION OF HOUSE BILL 573:

AN ACT AMENDING SECTION 19-4-802, MCA, TO REDUCE THE MINIMUM EARLY RETIREMENT AGE IN THE TEACHERS' RETIREMENT SYSTEM FROM 55 YEARS TO 50 YEARS AND TO REVISE THE FORMULA FOR CALCULATING THE EARLY RETIREMENT ALLOWANCE.

Rep. Ken Nordtvedt said this bill allows for five years earlier retirement, providing specifically for those persons who might want to start another career. He stated the actuarial discount formula rates were made up by the retirement system, and he explained this formula to the committee.

PROPONENTS: Dave Sexton, Mt. Education Assn.; Bob Johnson, Teachers Retirement System; Don Walter, Superintendent of School in Libby; Phyllis Hemstad; all supported and gave the advantages.

OPPONENTS: Senator Hammond asked about the five-year discount and Mr. Johnson said it is financially sound. Rep. Nordtvedt confirmed that the formula was worked out by the actuary.

Senator Towe asked if the wording of the 60 months is correctly stated.

Chairman Story put the bill into a subcommittee with Senators Hammond, Nordvedt and John Hollow, Legislative Council.

CONSIDERATION OF HOUSE BILL 102:

AN ACT TO PROVIDE STATUTORY AUTHORITY TO ESTABLISH A TRUST ACCOUNT FOR THE OPERATION, DEVELOPMENT, AND MAINTENANCE OF LANDS OWNED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS.

Rep. Rex Manuel described the bill and pointed out page 2, line 18 through the end of the bill.

PROPONENTS: Jim Flynn, speaking on behalf of the Department of Fish, Wildlife, and Parks, supported the bill.

Rep. Manuel added that the reason there should be a trust account is that it gives more fiscal responsibility.

OPPONENTS: None.

Questions: Senator Towe asked about the constitutionality of the bill, and Mr. Flynn said the drafting committee had done the drafting.

Senator Story inquired about property bought by fish and game funds and then sold. What happens to the money? Mr. Flynn says it goes into the general operations fund.

Senator Towe suggested earmarking such funds on page 3.

Senator Hammond asked about oil monies that schools receive and if fish and game retain the oil monies; this could not be answered by the proponents.

Senator Towe pointed out to Senator Story a statute that had been discussed by Woodrow Wright.

Chairman Story put it into a subcommittee of Senators Towe and himself.

ACTION ON HOUSE BILL 545:

Senator Towe moved they reconsider their action on House Bill 545 because of a conflicting amendment. He moved another amendment; passed, moved the bill DO PASS, AS AMENDED; motion carried.

ADJOURNMENT: 11:55.

PETE STORY, CHAIRMAN

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981 Date 3-11

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator Allen Kolstad, V. C.		✓	
Senator William Hafferman	✓		
Senator H. W. Hammond	✓		
Senator Jan Johnson		✓	
Senator Patrick Ryan	✓		
Senator Thomas Towe	✓		

Each day attach to minutes.

Several months ago the Montana Supreme Court issued its decision in the case of Countryside Village et al vs. Department of Revenue. This decision reversed the decision of the State Tax Appeal Board that ordered a 34 percent reduction in the assessed value of certain commercial properties. The Supreme Court in this decision provided a description of the information a taxpayer needs to adequately support an appeal before the tax appeal boards. The taxpayer must first demonstrate that there are properties similiar to his own in the same geographic area. The taxpayer must then produce information concerning the actual market value of his property and of similiar properties. Finally, he must compare the assessed values as established by the Department of Revenue to the market value of his own and similiar properties in order to prove that his property is assessed at a higher level than other properties in his area. This is reasonable criteria on which to base tax appeal board decisions even though it may appear burdensome to the taxpayer.

House Bill 201 introduced by Representative Bob Sivertsen of Havre provides help to taxpayers seeking the information necessary to support an assessment appeal. First, the bill requires the Department of Revenue to publish a sales-assessment ratio study from information it receives from the Realty Transfer Act. The Realty Transfer Act is a law passed in 1975 that requires the sales price of all real property transfers except agricultural land and certain other exempt sales to be reported to the Department of Revenue. A sales-assessment ratio study is a comparison of the sales price and assessed value of a large number of properties. The sales-assessment ratio study, provided for in this bill will provide county and city comparisons of average sales prices and average assessed values for residential and commercial property. This information is necessary for property owners to understand and analyze the property tax assessment system. Second, House Bill 201 requires the Department, when asked, to furnish information concerning sales of property to taxpayers who have filed assessment appeals with the county tax appeal

board. This information must include the sales price, age, size and other descriptions of the property sufficient to establish comparability of the reported sales with the property under appeal. The Department may not, however, reveal the exact location, nor the names of buyer or seller of the properties. This bill will allow the taxpayer to obtain the information necessary to comply with the tax appeal guidelines suggested by the Montana Supreme Court. The bill specifies that the data provided to the taxpayer by the Department of Revenue may be used in hearings before the tax appeal boards and in District Court. MonTax supports HB-201 because it provides property owners access to information needed to evaluate the property tax assessment system and to establish proper grounds for assessment appeals.

March 11, 1981

PRESENTED BY: James W. Flynn, Director
Department of Fish, Wildlife & Parks

Before the Senate State Administration Committee

HB102

HB102 is a bill to provide a management tool to the Department of Fish, Wildlife & Parks which we feel will enhance the department's ability to approach land management decisions in a more fiscally responsible manner.

Department acquisition of lands for game management, fishing access, or recreational purposes occasionally entails purchasing adjacent lands under the same ownership, but lands which may be "surplus" to the department's primary reason for the purchase. Occasional sales of these surplus lands provide the department with unanticipated income. In addition, leasing of department lands for grazing, hay or grain production, timber cutting, oil and gas exploration and development, and other similar activities generate unpredictable income.

The past practice of the department has been to utilize this unanticipated income to increase operations' budgets of the various divisions. Fiscally, this practice is unsound in two different respects: (1) it results in expanding the operations' budget requests in ensuing years when such revenues are not available, and (2) it results in the department consuming these funds and totally dissipating these department assets.

HB102

It is the intent of HB102 to create a trust account which would serve as a depository for various one-time or unanticipated sources of income. This trust would add stability to management's financial planning, and the interest income is restricted to provide a long-term source of funding for operation, maintenance, and development of department lands. It would be anticipated that these funds would also be available for the over $100,000 paid annually to local governments as payments in lieu of taxes and special improvement districts.

The department believes HB102 would promote greater responsibility with respect to land management and planning. In addition, it would also serve to stabilize operations and development of department-owned public use areas.

The bill was amended in the House to clarify the uses of the fund and to assure the money generated by the fund would be used only after legislative appropriation.

We feel HB102 as presently before this committee provides a sound and responsible method for management and use of unanticipated income from department acquired lands.

I recommend a "do concur" on this bill.

NAME: Ron Holliday DATE: 3/11/81

ADDRESS: Fish, Wildlife & Parks Dept

PHONE: 449-3750

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: HB 102

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

STANDING COMMITTEE REPORT

MARCH 11 19 81

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE SIVERTSON (TOWE) Bill No. 201

HOUSE

Respectfully report as follows: That Bill No. 201

BE CONCURRED IN

~~BE PASS~~

PETE STORY Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

MARCH 11 19 81

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 545

SIVERTSEN (JOHNSON)

Respectfully report as follows: That HOUSE Bill No. 545

, third reading copy,
be amended, as follows:

1. Title, line 6.
Following: "~~RIGHT~~"
Insert: "AND HIS FAMILY THE RIGHT"

2. Title, line 7.
Following: "ACTIVITY"
Insert: "AND TO ALLOW MEMBERS OF HIS FAMILY TO HOLD PUBLIC OFFICE"

3. Page 2, line 1.
Following: "~~(4)~~"
Insert: "(2)" and all remaining stricken language in lines 1-4.

4. Page 2
Following: line 4.
Insert: "(3) An officer or member of the police department may participate in political activity provided he does not do so while on duty or in uniform or that it does not otherwise interfere with the performance of his duties."

AND, AS SO AMENDED,
BE CONCURRED IN ~~DO PASS~~

PETE STORY Chairman.

STATE PUB. CO.
Helena, Mont.

DATE 3-11-81

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
F.W. Wright	MDFWP	HB102	✓	
Ron Holliday	"	"	✓	
~~Bob Brasda~~	~~SRS~~			
Joy Bruck	LWV of Montana	HB329		✓
George R. Llewellyn	Assn'd	" "	✓	
Joe Concannon	WETA	" "	✓	
Peter Jackson		HB329	✓	
Allen Johnson	Retired	HB329	✓	
Dale Smith	SRS	329		✓
Bob Wood	Dept. of Business Reg	329		✓
Don Waldron	Libby Public Schools	SB73	✓	
John Clark	Dept of Rev	HB201		✓
Wm Lowe	NFIB	HB329	✓	
Phyllis Henstad	Teacher	573	✓	

(Please leave prepared statement with Secretary.)

STANDING COMMITTEE REPORT

MARCH 11 19 81

PRESIDENT

MR. .....

STATE ADMINISTRATION

We, your committee on .....

HOUSE

having had under consideration ..... Bill No. 225

ELLISON (KOLSTAD)

HOUSE

Respectfully report as follows: That ..... Bill No. 225

, third reading copy, be amended as follows:

1. Page 2, line 9.'
Following: "bill"
Insert: "approved by two-thirds of the members present"

AND, AS SO AMENDED,

BE CONCURRED IN

~~DO PASS~~

PETE STORY

Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

MARCH 10 19 81

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 74

HARPER (TOWE)

Respectfully report as follows: That HOUSE Bill No. 74

,third copy, be amended as follows:

1. Title, lines 8 and 9.
Following: "COMMITTEE;"
Strike: "AND TO PROVIDE FOR ENFORCEMENT OF AGENCY DUTIES BY THE COMMITTEE"

2. Page 2, line 23.
Following: "~~Contested~~"
Strike: "As determined by"
Insert: "In the discretion of"

3. Page 6, lines 24 through page 7, line 1.
Following: "~~(d)~~"
Insert: "(c)" and the remainder of line 24, page 6, through page 7, line

4. Page 7, line 2.
Following: "~~(e)~~"
Strike: "(c)"
Insert: "(d)"

~~DO PASS~~

CONTINUED

Chairman.

STATE PUB. CO.
Helena, Mont.

5. Page 8, lines 7 and 8.
Following: "litigation"
Strike: "--enforcement of agency duties. (1)"
Insert: "."

6. Page 8, lines 18 through page 9, line 4.
Following: line 17
Strike: line 18, page 8 through line 4, page 9 in its entirety

AND, AS SO AMENDED,

BE CONCURRED IN

PETE STORY Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

MARCH 10 19 81

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 38

STOBIE (STORY)

Respectfully report as follows: That HOUSE Bill No. 38

, third reading copy, be amended as follows:

1. Page 2, line 4.
Following: "obtained."
Strike: "A"
Insert: "Upon request of the secretary of state, a"

2. Page 2, line 7.
Following: "No"
Strike: "EXCEPT AS PROVIDED IN SUBSECTION (5), NO"
Insert: "No"

3. Page 2, line 10.
Following: "adopted."
Strike: "Each"
Insert: "Except as provided in subsection (5), each"

~~DO PASS~~

CONTINUED

Chairman.

STATE PUB. CO.
Helena, Mont.

HOUSE BILL 38, page 2

4. Page 2, line 17.
Following: "section."
Insert: "The committee may not require the publication of copyrighted material."

5. Page 2, line 25 through page 3, line 2.
Following: "funding,"
Strike: remainder of line 25, page 2, through "standards," on page 3, line 2.

6. Page 3, line 3.
Following: "later"
Insert: "later"

7. Page 3, line 8.
Following: "REQUIRED"
Insert: "unless requested under 2-4-302 (4)"

8. Page 3, line 9.
Following: "administrative"
Strike: "code"
Insert: "rules of Montana"

AND, AS SO AMENDED,
BE CONCURRED IN

PETE STORY Chairman.

STATE PUB. CO.
Helena, Mont.